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Air Pollution Regulations in State Implementation Plans: California, San Bernardino County

Abcor, Inc, Wilmington, MA Walden Div

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This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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California

San Bernardino County

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Air Pollution Regulations in State Implementation Plans:

California

San Bernardino County

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

Prepared for

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Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

August 1978

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Publication No. EPA-450/3-78-054-30

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET

OF

EPA-APPROVED REGULATION CHANGES

SAN BERNARDINO COUNTY, APCD

Submittal Date	Approval Date	Description
6/30/72	9/22/72	All Regs Unless Otherwise Specified
4/21/76	7/26/77	Rules 461, 462
11/10/76	7/26/77	Rule 461

DOCUMENTATION OF CURRENT EPA-APPROVED
STATE AIR POLLUTION REGULATIONS

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I General Provisions

(2.0) Rule 1. Title.

These rules and regulations shall be known as the rules of the Air Pollution Control District.

(1.0) Rule 2. Definitions.

Except as otherwise specifically provided in these rules and except where the context otherwise indicates, words used in these rules are used in exactly the same sense as the same words are used in Chapter 2, Division 20 of the Health and Safety Code.

ACID means any compound of hydrogen and one or more other elements that dissociate or break down to produce hydrogen ions when dissolved in water.

AIR CONTAMINANT means smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gases, odors, or particulate matter, or any combination thereof.

AIR POLLUTION CONTROL EQUIPMENT includes any article, machine, equipment or contrivance, the operation or use of which is primarily intended to ELIMINATE or REDUCE or CONTROL THE ISSUANCE OF AIR CONTAMINANTS.

AIRBORNE RADIOACTIVE MATERIAL means any radioactive material dispersed in the air in the form of dust, fumes, smoke, mists, vapors or gases.

ANIMAL MATTER means an Article of Chapter 2 of Division 20 of the Health and Safety Code of the State of California.

ATMOSPHERE means that portion of the air which envelopes the earth that is not contained in any building structure or enclosure.

BASIC EQUIPMENT includes any article, machine, equipment or contrivance. the operation or use of which may CAUSE the issuance of air contaminants.

BOARD means the Air Pollution Control Board of the Air Pollution Control District of San Bernardino County.

CHARRED PAPER means the solid product of an incomplete combustion of paper.

COMBUSTIBLE REFUSE is any solid or liquid combustible waste material containing carbon in a free or combined state.

COMBUSTION CONTAMINANTS are particulate matter discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.

CONDENSED FUMES are minute solid particles generated by the condensation of vapors from solid matter after volatilization from the molten state, or may be generated by sublimation, distillation, calcination, or chemical reaction, when these processes create air-borne particles.

CONTROL OFFICER means the Air Pollution Control Officer of the San Bernardino County Air Pollution Control District.

COUNTY means the County of San Bernardino, a political subdivision of the State of Calfornia.

DISTILLING TYPE HEATER means those commonly used heaters consisting of a square or round bowl oil reservoir with a cover upon which is centrally located a stack of the combustion chamber or lazy flame type and equipped with an air intake regulator. In such heaters gases are generated in the reservoir for burning in the stack above.

DISTRICT means the Air Pollution Control District of San Bernardino County.

DUSTS are minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, etc.

EQUIPMENT includes any article, machine, equipment or contrivance.

FARM is a place of less than ten (10) acres if estimated sales of agricultural products for the year amounted to at least two hundred and fifty dollars ($250.00), and places of ten (10) or more acres if such sales amounted to at least fifty dollars ($50.00).

FROST PROTECTION means the protection of citrus or other fruits, trees, growing or vegetation against damage from frost or cold weather.

FUEL BLOCK means any solid fuel block composed of petroleum coke and intended or designed to be burned by an open flame, which is shown by competent test not to discharge unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute.

FUMES means small particles resulting from chemical reaction or from the condensation of vapors produced in combustion, distillation, or sublimation.

GASES mean matter which has neither independent shape nor volume and tends to expand indefinitely.

GRIME means an air contaminant or combination of air contaminants which has been mechanical soiling effect.

HEARING BOARD means the Hearing Board of the San Bernardino County Air Pollution Control District.

HEATER - See ORCHARD HEATER.

INCINERATOR - See SINGLE-CHAMBER INCINERATOR.

LEGAL CONTROL:

A person has Legal Control when

(a) Such person is the owner of the property involved in the action or condition, and such person has knowledge of the action or condition, or

(b) Such person caused the action or condition, or

(c) Such person has a legal right to abate the action or condition, and such person has knowledge of the action or condition.

MASS MEDIAL PARTICLE SIZE is that particle size above and below which fifty percent (50%) of the mass of the sample occurs.

MULTIPLE-CHAMBER INCINERATOR is any article, machine, equipment, contrivance, structure or part of a structure, used to dispose of combustible refuse by burning, consisting of three or more refractory lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for

maximum combustion of the material to be burned. The refractories shall have a Pyrometric Cone Equivalent of at least 17 tested according to the method described in the American Society for Testing Materials, Method C-24.

NON-COMPLYING ORCHARD HEATER means an orchard heater which is ineligible for a permit under Rules 100 to 130.

ODORS means those qualities of matter which make it perceptible to the olfactory senses of man.

OIL-EFFLUENT WATER SEPARATOR is any tank, box, sump or other container in which petroleum or product thereof, floating on or entrained or contained in water entering such tank, box, sump or other container, is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.

OPEN FIRE means any fire not contained or enclosed, and any fire used for orchard heating which is not produced by systems or heaters.

ORCHARD HEATER means any equipment, article, machine or contrivance adaptable to burning any kind of fuel, which is designed, used, maintained, or capable of being used for frost protection. Liquid fuel burners and solid fuel blocks are included. Contrivances commonly known as Wind Machines are NOT included.

PARTICULATE MATTER is any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.

PERSON means any person, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, user or owner, or any state or local governmental agency or public district or any officer or employee thereof.

PIPE LINE SYSTEM means any of the currently developed generating types of heaters where fuel is fed under pressure from central storage tanks through a pipe line distributing system to the individual heaters.

PROCESS WEIGHT PER HOUR. "Process Weight" is the total weight of all materials introduced into any specific process which process may discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. "The Process Weight Per Hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given

process to the completion thereof, excluding any time during which the equipment is idle.

PROCESS WEIGHT RATE means a rate established as follows:

(a) For CONTINUOUS OR LONG-RUN STEADY-STATE SOURCE OPERATIONS, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof.

(b) For CYCLICAL OR BATCH SOURCE OPERATIONS, the total process weight for a period which covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during such period.

Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this definition, that interpretation which results in the minimum value for allowable emission shall apply.

RADIOACTIVE - AIRBORNE RADIOACTIVE MATERIAL.

REGULATION means one of the major subdivision of the Rules of the Air Pollution Control District of San Bernardino County.

REDUCTION means any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating and protein concentrating.

RETURN STACK HEATER means the heater referred to in University of California College of Agriculture Bulletin 643 as "return-stack-gas heater," Figure 3B, page 6 of such bulletin and described on page 4 of such bulletin as a combustion-chamber type (of heater) with a return pipe for recirculating part of the stack gases.

RULE means a rule of the Air Pollution Control District of San Bernardino County.

SAN BERNARDINO BASIN means that portion of San Bernardino County lying southerly of the township line common to T3N and T2N and westerly of range line common to R3E and R2E, San Bernardino Base and Meridian.

SECTION means section of the Health and Safety code of the State of California unless some other statute is specifically mentioned.

SHALL is mandatory.

SINGLE CHAMPER INCINERATOR shall be constructed of brick, cement, hollow tile, or other file resistive material other than metal, with a completely enclosed combustion chamber and shall be equipped with a permanently attached spart arrester constructed of iron, heavy wide mesh, or other non-combustible material, with openings not larger than one-half inch.

SMOG CONDITION in the San Bernardino Basin is defined by the following factors:

(a) The inversion base at 4:00 A.M. Pacific Standard Time will be lower than one thousand five hundred (1500 feet above mean sea level, and

(b) The maximum mixing height will not be above three thousand five hundred (3500) feet above mean sea level, and

(c) The average surface wind speed between 6:00 A.M. and 12:00 noon Pacific Standard Time will not exceed five (5) miles per hour.

SMOKE means the product of incomplete combustion, consisting chiefly of particles of unburned carbon.

SOOT means agglomerated smoke particles.

SOURCE GAS VOLUME means the volume, in standard cubic feet, of all gases leaving a source operation; for the purposes of this definition, the boundary of a source operation is that point or surface at which the separation of the air contaminants from the process materials into air contaminants, is essentially complete.

(9.0) Rule 3. STANDARD CONDITIONS

Standard Conditions are a gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute.

Results of all analyses and tests shall be calculated or reported at this gas temperature and pressure.

(15.0) Rule 4. AUTHORITY TO ARREST

The Air Pollution Control Officer and every officer and employee of the San Bernardino County Air Pollution Control District designated by him is authorized, during reasonable hours, to arrest a person without a warrant whenever he has a reasonable cause to believe that the person has committed a misdemeanor in his presence which is a violation of Chapter 2, Division 20 of the Health and Safety Code, or any provision of the Vehicle Code relating to the emission or control of air contaminants, or any order, regulation, or rule adopted thereto. Authority to arrest is granted in accordance with Penal Code Section 836.5.

II Permits

(3.0) Rule 10. Permits Required.

(a) Authority to Construct. Any person building, erecting, altering or replacing any article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, shall first obtain authorization for such construction from the Air Pollution Control Officer. An Authority to Construct shall remain in effect until the permit to operate the equipment for which the application was filed is granted or denied or the application is canceled.

(b) Permit to Operate. Before any article, machine, equipment or other contrivance described in Rule 10(a) may be operated or used, a written permit shall be obtained from the Air Pollution Control Officer. No permit to operate or use shall be granted either by the Air Pollution Control Officer or the Hearing Board for any article, machine, equipment or contrivance described in Rule 10(a), constructed or installed without authorization as required by Rule 10(a), until the information required is presented to the Air Pollution Control Officer and such article, machine, equipment or contrivance is altered, if necessary, and made to conform to the standards set forth in Rule 20 and elsewhere in these Rules and Regulations.

(c) Posting of Permit to Operate. A person who has been granted under Rule 10 a permit to operate any article, machine, equipment, or other contrivance described in Rule 10(b), shall firmly affix such permit to operate, an approved facsimile, or other approved identification bearing the permit number upon the article, machine, equipment, or other contrivance in such a manner as to be clearly visible and accessible. In the event that the article, machine, equipment, or other contrivance is so constructed or operated that the permit to operation cannot be so placed, the permit to operate shall be mounted so as to be clearly visible in an accessible place within 25 feet of the article, machine, equipment, or other contrivance, or maintained readily available at all times on the operating premises.

(d) A person shall not willfully deface, alter, forge, counterfeit, or falsify a permit to operate any article, machine, equipment, or other contrivance.

(e) Permit to Sell or Rent. Any person who sells or rents to another person an incinerator which may be used to dispose of combustible refuse by burning within the San Bernardino Basin and which incinerator is to be used exclusively in connection with any structure, which structure is designed for and used exclusively as a dwelling for not more than four families, shall first obtain a permit from the Air Pollution Control Officer to sell or rent such incinerator.

(2.0) Rule 11. Exemptions.

An authority to construct or a permit to operate shall not be required for:

(a) Vehicles as defined by the Vehicle Code of the State of California but not including any article, machine, equipment or other contrivance mounted on such vehicle that would otherwise require a permit under the provisions of these Rules and Regulations.

(b) Vehicles used to transport passengers or freight.

(c) Equipment utilized exclusively in connection with any structure, which structure is designed for and used exclusively as a dwelling for not more than four families.

(d) The following equipment:

(1) Comfort air conditioning or comfort ventilating systems which are not designed to remove air contaminants generated by or released from specific units or equipment.

(2) Refrigeration units except those used as, or in conjunction with, air pollution control equipment.

(3) Piston type internal combustion engines.

(4) Water cooling towers and water cooling ponds not used for evaporative cooling towers and water cooling of process water and not used for evaporative cooling of water from barometric jets or from barometric condensors.

(5) Equipment used exclusively for steam cleaning.

(6) Presses used exclusively for extruding metals, minerals, plastics or wood.

(7) Porecelain enameling furnaces, porcelain enameling drying ovens, vitreous enameling furnaces or vitreous enameling drying ovens.

(8) Presses used for the curing of rubber products and plastic products.

(9) Equipment used exclusively for space heating, other than boilers.

(10) Equipment used for hydraulic or hydrostatic testing.

(11) All sheet-fed printing presses; and all other printing presses without driers.

(12) Tanks, vessels and pumping equipment used exclusively for the storage or dispensing of fresh commercial or purer grades of:

a. Sulfuric acid with an acid strength of 99 percent or less by weight.

b. Phosphoric acid with an acid strength of 99 percent or less by weight.

c. Nitric acid with an acid strength of 70 percent or less by weight.

(13) Oven used exclusively for the curing of plastics which are concurrently being vacuum held to a mold or for the softening or annealing of plastics.

(14) Equipment used exclusively for the dyeing or stripping (bleaching) of textiles where no organic solvents, diluents or thinners are used.

(15) Equipment used exclusively to mill or grind coatings and molding compounds where all materials charged are in a paste form.

(16) Crucible type or pot type furnaces with a brimful capacity of less than 450 cubic inches of any molten metal.

(17) Equipment used exclusively for the melting or applying of wax where no organic solvents, diluents or thinners are used.

(18) Equipment used exclusively for bonding lining to brake shoes.

(19) Lint traps used exclusively in conjunction with dry cleaning tumblers.

(20) Equipment used in eating establishments for the purpose of preparing food for human consumption.

(21) Equipment used exclusively to compress or hold dry natural gas.

(22) Tumblers used for the cleaning or deburring of metal products without abrasive blasting.

(23) Shell core and shell-mold manufacturing machines.

(24) Molds used for the casting of metals.

(25) Abrasive blast cabinet-dust filter integral combination units where the total internal volume of the blast section is 50 cubic feet or less.

(26) Batch mixers of 5 cubic feet rated working capacity or less.

(27) Equipment used exclusively for the packaging of lubricants or greases.

(28) Equipment used exclusively for the manufacture of water emulsions of asphalt, greases, oils or waxes.

(29) Ovens used exclusively for the curing of vinyl plastisols by the closed mold curing process.

(30) Equipment used exclusively for conveying and storing platic pellets.

(31) Equipment used exclusively for the mixing and blending of materials at ambient temperature to make water based adhesives.

(32) Smokehouses in which the maximum horizontal inside cross-sectional area does not exceed 20 square feet.

(33) Platen presses used for laminating.

(e) The following equipment or any exhaust system or collector serving exclusively such equipment:

(1) Blast cleaning equipment using a suspension of abrasive in water.

(2) Ovens, mixers and blenders used in bakeries where the products are edible and intended for human consumption.

(3) Kilns used for firing ceramic ware, heated exclusively by natural gas, liquefied petroleum gas, electricity or any combination thereof.

(4) Laboratory equipment used exclusively for chemical or physical analyses and bench scale laboratory equipment.

(5) Equipment used for inspection of metal products.

(6) Confection cookers where the products are edible and intended for human consumption.

(7) Equipment used exclusively for forging, pressing, or drawing of metals or for heating metals immediately prior to forging, pressing, or drawing.

(8) Die casting machines.

(9) Atmosphere generators used in connection with metal heat treating processes.

(10) Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy.

(11) Brazing, soldering or welding equipment.

(12) Equipment used exclusively for the sintering of glass.

(13) Equipment used for buffing (except automatic or semi-automatic tire buffers) or polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding or turning of ceramic artwork, ceramic precision parts, leather, metals, plastics, rubber, fiberboard, masonry, asbestos, carbon or graphite.

(14) Equipment used for carving, cutting, drilling, surface grinding, planing, routing, sanding, sawing, shredding, or turning of wood, or the pressing or storing of sawdust, wood chips or wood shavings.

(15) Equipment using aqueous solutions for surface preparation, cleaning, stripping, etching (does not include chemical milling) or the electrolytic plating with electrolytic polishing of, or the electrolytic stripping of brass, bronze, cadmium, copper, iron, lead, nickel, tin, zinc, and precious metals.

(16) Equipment used for washing or drying products fabricated from metal or glass, provided that no volatile organic materials are used in the process and that no oil or solid fuel is burned

(17) Laundry dryers, extractors or tumblers used for fabrics cleaned only with water solutions of bleach or detergents.

(18) Foundry sand mold forming equipment to which no heat is applied.

(19) Ovens used exclusively for curing potting materials or castings made with epoxy resins.

(20) Equipment used for compression molding and injection molding of plastics.

(21) Mixers for rubber or plastics where no material in powder form is added and no organic solvents, diluents or thinners are used.

(22) Equipment used exclusively to package pharmaceuticals and cosmetics or to coat pharmaceutical tablets.

(23) Equipment used exclusively to grind, blend or package tea, cocoa, spices or roasted coffee.

(24) Roll mills or calendars for rubber or plastics where no organic solvents, diluents or thinners are used.

(25) Vacuum producing devices used in laborator operations or in connection with other equipment which is exempt by Rule 11.

(f) Steam generators, steam supheaters, water boilers, water heaters, and closed heat transfer systems that have a maximum heat input rate of less than 250,000,000 British Thermal Units (BTU) per hour (gross), and are fired exclusively with one of the following:

(1) Natural gas.

(2) Liquefied petroleum gas.

(3) A combination of natural gas and liquefied petroleum gas.

(g) Natural draft hoods, natural draft stacks or natural draft ventilators.

(h) Containers, reservoirs, or tanks used exclusively for:

(1) Dipping operations for coating objects with oils, waxes or greases where no organic solvents, diluents or thinners are used.

(2) Dipping operations for applying coatings of natural or synthetic resins which contain no organic solvents.

(3) Storage of liquefied gases.

(4) Unheated storage or organic materials with an initial boiling point of 300 degrees F. or greater.

(5) The storage of fuel oils with a gravity of 25 degrees API or lower.

(6) The storage of lubricating oils.

(7) The storage of fuels oils with a gravity of 40 degrees API or lower and having a capacity of 10,000 gallons or less.

(8) The storage of organic liquids, except gasoline, normally used as solvents, diluents or thinners, inks, colorants, paints, lacquers, enamels, varnishes, liquid resins or other surface coatings, and having a capacity of 6,000 gallons or less.

(9) The storage of liquid soaps, liquid detergents, vegetable oils, waxes or wax emulsions.

(10) The storage of asphalt.

(11) Unheated solvent dispensing containers, unheated non-conveyorized solvent rinsing containers or unheated non-conveyorized coating dip tanks of 100 gallons capacity or less.

(12) The storage of gasoline having a capacity of less than 250 gallons.

(13) Transporting materials on streets or highways.

(i) Equipment used exclusively for heat treating glass or metals, or used exclusively for case hardening, carburizing, nitriding, carbonitriding, siliconizing or diffusion treating of metal objects.

(j) Crucible furnaces, pot furnaces or induction furnaces, with a capacity of 1,000 pounds or less each, in which no sweating or distilling is conducted and from which only the following metals are poured or in which only the following metals are held in a molten state:

(1) Aluminum or any alloy containing over 50 percent aluminum.

(2) Magnesium or any alloy containing over 50 percent magnesium.

(3) Lead or any alloy containing over 50 percent lead.

(4) Tin or any alloy containing over 50 percent tin.

(5) Zinc or any alloy containing over 50 percent zinc.

(6) Copper.

(7) Precious metals.

(k) Vacuum cleaning systems used exclusively for industrial, commercial or residential housekeeping purposes.

(l) Structural changes which cannot change the quality, nature or quantity of air contaminant emissions.

(m) Repairs or maintenance not involving structural changes to any equipment for which a permit has been granted.

(n) Identical replacements in whole or in part of any article, machine, equipment or other contrivance where a permit to operate had previously been granted for such equipment under Rule 10.

(2.0) Rule 12. Transfer.

An authority to construct, permit to operate or permit to sell or rent shall not be transferable, whether by operation of law or

otherwise, either from one location to another, from one piece of equipment to another, or from one person to another.

(3.0) Rule 13. Applications.

Every application for an authority to construct, permit to operate or permit to sell or rent required under Rule 10 shall be filed in the manner and form prescirbed by the Air Pollution Control Officer, and shall give all the information necessary to enable the Air Pollution Control Officer to make the determination required by Rule 17 hereof.

(3.0) Rule 14. Cancellation of Applications.

(a) An authority to construct shall expire and the application shall be canceled two years from the date of issuance to the authority to construct.

(b) An application for permit to operate existing equipment shall be canceled two years from the date of filing of the application.

(3.0) Rule 15. Action on Applications.

The Air Pollution Control Officer shall act, within a reasonable time, on an application for authority to construct, permit to operate or permit to sell or rent, and shall notify the applicant in writing of his approval, conditional approval or denial.

(9.0) Rule 16. Provision of Sampling and Testing Facilities.

A person operating or using any article, machine, equipment or other contrivance for which these rules require a permit shall provide and maintain such sampling and testing facilities as specified in the authority to construct or permit to operate.

(3.0) Rule 17. Standard for Granting Applications.

(a) The Air Pollution control Officer shall deny an authority to construct, permit to operate or permit to sell or rent, except as provided in Rule 18, if the applicant does not show that every article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants, or the use of which may eliminate or reduce or control the issuance of air contaminants, is so designed, controlled, or equipped with such air pollution control equipment, that it may be expected to operate without emitting or without causing to be emitted air contaminants

in violation of Sections 24242 or 24243, Health and Safety Code, or of these Rules and Regulations.

(b) Before an authority to construct or a permit to operate is granted, the Air Pollution Control Officer may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the article, machine, equipment or other contrivance described in the authority to construct or permit to operate. In the event of such a requirement, the Air Pollution Control Officer shall notify the applicant in writing of the required size, number and location of sampling holes; the size and location of the sampling platform; the access to the sampling platform; and the utilities for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with the General Industry Safety Orders of the State of California.

(c) In acting upon a Permit to Operate, if the Air Pollution Control Officer finds that the article, machine, equipment or other contrivance has been constructed not in accordance with the Authority to Construct, he shall deny the Permit to Operate. The Air Pollution Control Officer shall not accept any further application for Permit to Operate the article, machine, equipment or other contrivance so constructed until he finds that the article, machine, equipment or other contrivance has been reconstructed in accordance with the Authority to Construct.

(2.0) Rule 18. Conditional Approval.

(a) The Air Pollution Control Officer may issue an authority to Construct or a permit to operate, subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of Rule 17, in which case the conditions shall be specified in writing. Commencing work under such an authority to construct or operation under such a permit to operate shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer shall issue an authority to construct or a permit to operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the standards of Rule 17 under the revised conditions.

(b) The Air Pollution Control Officer may issue a permit to sell or rent, subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of Rule 17, in which case the conditions shall be specified in writing. Selling or renting under such a permit to sell or rent shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer shall issue a permit to sell or rent with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the standards of Rule 17 under the revised conditions.

(3.0) Rule 19. Denial of Applications.

In the event of an authority to construct, permit to operate or permit to sell or rent, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefor. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the person served or affidavit of the person making the service. The Air Pollution Control Officer shall not accept a further application unless the applicant has complied with the objections specified by the Air Pollution Control Officer as his reasons for denial of the authority to construct, the permit to operate or the permit to sell or rent.

(2.0) Rule 20. Further Information.

Before acting on an application for authority to construct, permit to operate or permit to sell or rent, the Air Pollution Control Officer may require the applicant to furnish further information or further plans or specifications.

(3.0) Rule 21. Applications Deemed Denied.

The applicant may at his option deem the authority to construct, permit to operate or permit to sell or rent denied if the Air Pollution Control Officer fails to act on the application within 30 days after filing, or within 30 days after applicant furnishes the further information, plans and specifications requested by the Air Pollution Control Officer, whichever is later.

(2.0) Rule 22. Appeals.

Within 10 days after notice, by the Air Pollution Control Officer, of denial or conditional approval of an authority to construct, permit to operate or permit to sell or rent, the applicant may petition the Hearing Board, in writing, for a public hearing. The Hearing Board, after notice and a public hearing held within 30 days after filing the petition, may sustain or reverse the action of the Air Pollution Control Officer; such order may be made subject to specified conditions.

III Fees

(3.0) Rule 40. Permit Fees.

Every applicant, except any state or local governmental agency or public district, for an authority to construct or a permit to operate any article, machine, equipment or other contrivance, for which an authority to construct or permit to operate is required by the State law or the Rules and Regulations of the Air Pollution Control District, shall pay a filing fee of $10.00. Where an application is filed for a permit to operate any article, machine, equipment or other contrivance by reason of transfer from one person to another, and where a permit to operate had previously been granted under Rule 10 and no alteration, addition or transfer of location has been made, the applicant shall pay only a $10.00 filing fee.

Every applicant, except any state or local governmental agency or public district, for a permit to operate, who files and application with the Air Pollution Control Officer, shall, in addition to the filing fee prescribed herein, pay the fee for the issuance of a permit to operate in the amount prescribed in the following schedules, provided, however, that the filing fee shall be applied to the fee prescribed for the issuance of the permit to operate.

If an application for an authority to construct or a permit to operate is canceled, or if an authority to construct or a permit to operate is denied becomes final, the filing fee required herein shall not be refunded nor applied to any subsequent application.

When an application is filed for a permit to operate any article, machine, equipment or other contrivance by reason of transfer of location or transfer from one person to another, or both, and where a permit to operate had previously been granted for such equipment under Rule 10 and an alteration or addition or addition has been made, the applicant shall be assessed a fee based upon the increase in total horsepower rating, the increase in total fuel consumption expressed in thousands of British Thermal Units (BTU) per hour, the increase in total electrical rating, the increase in maximum horizontal inside cross sectional area or the increase in total stationary container capacity resulting from such alterations or additions, as described in the fee schedules contained herein. Wheter the application is for transfer of location and no alteration or addition has been made, the applicant shall pay only a filing fee of $10.00.

Where an application if filed for an authority to construct or a permit to operate exclusively involving revisions to the conditions

of an existing permit to operate or involving alterations or additions resulting in a change to any existing article, machine, equipment or other contrivance holding a permit under the provisions of Rule 10 of these Rules and Regulations, the applicant shall be assessed a fee based upon the increase in total horsepower rating, the increase in total fuel consumption expressed in thousands of British Thermal Units (BTU) per hour, the increase in total electrical energy rating, the increase in maximum horizontal inside cross sectional area or the increase in total stationary container capacity resulting from such alterations or additions, as described in the fee schedules contained herein. Where there is no change or is a decrease in such ratings, the applicant shall pay only the amount of the filing fee required herein.

After the provisions for granting permits as set forth in Chapter 2, Divisions 20, of the Health and Safety Code and the Rules and Reguations have been complied with, the applicant shall be notified by the Air Pollution Control Officer, in writing, of the fee to be paid for issuance of the permit to operate. Such notice may be given by personal service or by deposit, postpaid, in the United States mail and shall serve as a temporary permit to operate for 30 days from the date of personal service or mailing. Nonpayment of the fee within this period of time shall result in the automatic cancellation of the application.

In the event that more than one fee schedule is applicable to a permit to operate, the governing schedule shall be that which results in the higher fee.

In the event that a permit to operate is granted by the Hearing Board after denial by the Air Pollution Control Officer or after the applicant deems his application denied, the applicant shall pay the fine prescribed in the following schedules within 30 days after the date of the decision of the Hearing Board. Nonpayment of the fee within this period of time shall result in automatic cancellation of the permit and the application. Such a fee shall not be charged for a permit to operate granted by the Hearing Board for the duration of a variance.

A request for a duplicate permit to operate shall be made in writing to the Air Pollution Control Officer within 10 days after the destruction, loss or defacement of a permit to operate. A fee of $2.00 shall be charged, except to any state or local governmental agency or public district, for issuing a duplicate permit to operate.

It is hereby determined that the cost of issuing permits and of inspections pertaining to such issuance exceeds the fees prescribed.

The annual renewal fee for a permit to operate under Rule 40 shall be the same as an initial permit fee under current fee schedules. If the renewal fee is not paid within 30 days after it becomes due, the fee shall be increased by one-half the amount thereof, and the Air Pollution Control Officer shall thereupon promptly notify the permitteed by mail of the increased fee. If the increased fee is not paid within 30 days after such notice, the permit shall be automatically revoked and the Air Pollution Control Officer shall notify the permittee by mail.

Schedule 1

Electric Motor Horsepower Schedule

Any article, machine, equipment, or other contrivance where an electric motor is used as the power supply shall be assessed a permit fee based on the total rated motor horsepower of all electric motors included in any article, machine, equipment or other contrivance, in accordance with the following schedule:

Horsepower	Fee
0 - 25	$ 15.00
25 - 50	25.00
50 - 100	50.00
100 - 200	75.00
200 - 400	100.00
400 - 800	150.00
800 - 1600	200.00
1600 - or greater	250.00

Schedule 2

Fuel Burning Equipment Schedule

Any article, machine, equipment or other contrivance in which fuel is burned, with the exception of incinerators which are covered in Schedule 4, shall be assessed a permit fee based upon the design fuel consumption of the article, machine, equipment or other contrivance expressed in thousands of British Thermal Units (BTU) per hour, using gross heating values of the fuel, in accordance with the following schedule:

BTU per Hour	Fee
0 - 150,000	$ 15.00
150,000 - 400,000	25.00
400,000 - 650,000	50.00
650,000 - 1,500,000	75.00
1,500,000 - 2,500,000	100.00
2,500,000 - 5,000,000	150.00
5,000,000 - 15,000,000	200.00
15,000,000 - and over	250.00

Schedule 3

Electrical Energy Schedule

Any article, machine, equipment or other contrivance which does uses electrical energy, with the exception of electric motors covered in Schedule 1, shall be assessed a permit fee based on the total kilovolt ampere (KVA) ratings, in accordance with the following schedule:

Kilovolt Amperes	Fee
Up to and including 45.	$ 15.00
Greater than 45 but less than 145	30.00
145 or greater but less than 450	45.00
450 or greater but less than 1,450.	60.00
1,450 or greater but less than 4,500	90.00
4,500 or greater but less than 14,500	150.00
14,500 or greater	250.00

Schedule 4

Incinerator Schedule

Any article, machine, equipment or other contrivance designed and used primarily to dispose of combustible refuse by wholly consuming the material charged leaving only the ashes or residue shall be assessed a permit fee based on the following schedule of the maximum horizontal inside cross sectional area, in square feet, of the primary combustion chamber:

Area, in Square Feet	Fee
a) up to and including 3	$ 7.50
b) Greater than 3 but less than 6	11.50
c) 6 or greater but less than 9	18.75
d) 9 or greater but less than 16	30.00
e) 16 or greater but less than 27	37.50
f) 27 or greater but less than 47	56.25
g) 47 or greater but less than 90	75.00
h) 90 or greater	112.50

Schedule 5

Stationary Container Schedule

Any stationary tank, reservoir, or other container shall be assessed a permit fee based on the following schedule of capacities in gallons or cubic equivalent, in accordance with the following schedule:

Gallons	Fee
a) Up to and including 5,000	$ 15.00
b) 5,001 - 20,000.	20.00
c) 20,001 - 50,000	25.00
d) 50,001 - 100,000	35.00
e) 100,001 - 500,000	50.00
f) 500,001 - 1,000,000	65.00
g) 1,000,001 - up	80.00

Schedule 6

Miscellaneous Schedule

Any article, machine, equipment or other contrivance which is not included in the preceding schedules shall be assessed a permit fee of $40.00.

Schedule 7

Orchard Heater Schedule

Under 10 acres	$ 3.50
10 to 20 acres	7.00
Over 20 acres	10.00
Original or supplemental orchard heater fees, per heater:	
Class I Heaters	0.02
Class II Heaters	.03
Solid fuel blocks, per acre	.50
Maximum for acreage and heater fees combined	35.00

Under the provisions of Section 24293 it is hereby determined that the cost of administration of Article 5, or Regulation VII exceeds the fees prescribed in the following schedules and the fees shall be as set forth herein.

(16.0) RULE 42. Hearing Board Fees.

(a) Every applicant or petitioner for variance, or for the extension, revocation or modification of a variance, or for an appeal from a denial or conditional approval of an authority to construct, permit to operate to sell or rent, except any state or local governmental agency or public district, shall pay the Clerk of the Hearing Board, on filing, a fee in the sum of $25.00. It is hereby determined that the cost of administration of Article 5, Chapter 2, Division 20, Health and Safety Code, or Rule 22 of these Rules and Regulations, exceeds $25.00 per petition.

(b) Any person requesting a transcript of the hearing shall pay the cost of such transcript.

(c) This rule shall not apply to petitions filed by the Air Pollution Control Officer.

(9.0) RULE 43. Analysis Fees.

Whenever the Air Pollution Control Officer finds that an analysis of the emission from any source is necessary to determine the extent and amount of pollutants being discharged into the atmosphere which cannot be determined by visual observation, he may order the collection of samples and the analysis made by qualified personnel of the Air Pollution Control District. The time required for collecting samples, making the analsis and preparing the necessary reports, but excluding time required in going to and from such premises shall be charged against the owner or operator of said premises in a reasonable sum to be determined by the Air Pollution Control Officer, which said sum is not to exceed the actual cost of such work.

(13.0) RULE 44. Technical Reports - Charges For.

Information, circulars, reports of technical work, and other reports prepared by the Air Pollution Control District when supplied to other governmental agencies or indivisuals or groups requesting copies of same may be charged for by the District in a sum not to exceed the cost of preparation and distribution of such documents. All such monies collected shall be turned into the general funds of the said District.

IV Prohibitions

(2.0) Rule 50. Prohibitions Under State Law.

The provisions of Article 3, Chapter 2, Health and Safety Code of the State of California shall be enforced by the Air Pollution Control Officer, and all officers indicated by Section 24221, Article 2.

(a) This rule is not intended to preclude the enactment or enforcement of any rule stricter than the provisions of Article 3 mentioned above, as provided by Section 24247 and 24250 of that Article and Article 4.

In observing emissions to determine compliance with Rule 50,

(1) Observations shall be made from any position such that the line of observation is at approximately a right angle to the line of travel of the emitted material.

(2) The plume shall be observed against a suitable background.

(3) Observations during daylight hours should be made with the observer facing generally away from the sun.

(4) Observation during hours of darkness should be made with the aid of a light source.

(5) Readings shall be noted at approximately 15 second intervals during observation, except that intervals up to 1 minute shall be permitted where the appearance of the emission does not vary during such interval.

(6) The general color of the emission during the period of observation shall be noted as part of the record of observation.

(b) Where the presence of uncombined water is the only reason for failure of an emission to meet the limitations of Rule 50, that section shall not apply. The burden of proof which establishes the application of this Rule 50(b) shall be upon the person seeking to come within its provisions.

(50.1.2) Rule 50-A Visible Emissions.

A person shall not discharge into the atmosphere from any single source of emission whatsoever, any air contaminant for a period or periods

aggregating more than three minutes in any one hour which is:

(a) As dark or darker in shade as that designated as No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or

(b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in Section (a) of this Rule.

This rule is to become effective in the South Coast Air Basin on June 1, 1972, for all sources which are not either in operation or under construction prior to that date, and Rule 50 shall not be applicable to such sources in the South Coast Air Basin on or after that date. This Rule is to become effective for all other sources in the South Coast Air Basin on January 1, 1975, and Rule 50 shall not be applicable in the South Coast Air Basin on or after that date.

This Rule is to become effective in the Southeast Desert Air Basin on June 1, 1972 for all sources which are not either in operation or under construction prior to that date, and Rule 50 shall not be applicable to such sources in the Southeast Desert Air Basin on or after that date. This Rule is to become effective for all other sources in the Southeast Desert Air Basin on January 1, 1975, and Rule 50 is to be repealed on that date.

(15.0) Rule 51. Enforcement of These Rules and Regulations.

These Rules and Regulations shall be enforced by the Control Officer under authority of Section 24224(b), Article 2, and Section 24260 and 24262, Article 4; and by all officers empowered by Section 24221, Article 2.

(50.1) Rule 52. Particulate Matter.

Except as otherwise provided in Rules 52 and 54, a person shall not discharge into the atmosphere from any source particulate matter in excess of 0.3 grain per cubic foot of gas at standard conditions.

(50.1) Rule 52-A. Particulate Matter Concentration.

(a) A person shall not discharge into the atmosphere from any source, in the South Coast Air Basin, particulate matter in excess of the concentration shown in the following table: (See Rule 52-A Table).

Where the volume discharged falls between figures listed in the table, the exact concentration permitted to be discharged shall be determined

by linear interpolation. The provisions of this Rule shall not apply to emission resulting from the combustion of liquid or gaseous fuels in steam generator or gas turbines.

For the purpose of this Rule "particulate matter" includes any material which would become particulate matter if cooled to standard conditions.

Rule 52-A(a) is to become effective on June 1, 1972, for all sources in the South Coast Air Basin which are neither in operation or under construction prior to that date, and Rule 52 shall not be applicable to such sources in the South Coast Air Basin on or after that date. Rule 52-A(a) is to become effective for all other sources in the South Coast Air Basin on January 1, 1975, and Rule 52 is not applicable in the South Coast Air Basin.

(b) A person shall not discharge into that atmosphere from any source, in the Southeast Desert Air Basin, particulate matter in excess of 0.2 grain per cubic foot of gas at standard conditions.

Rule 52-A(b) is to become effective on June 1, 1972, for all sources in the Southeast Desert Air Basin which are not either in operation or under construction prior to that date, and Rule 52 shall not be applicable to such sources in the Southeast Desert Air Basin on or after that date. Rule 52-A(b) is to become effective for all other sources in the Southeast Desert Air Basin on January 1, 1975, and Rule 52 is to be repealed on that date.

TABLE FOR RULE 52-A - SOUTH COAST AIR BASIN

VOLUME DISCHARGED--CUBIC FEET PER MINUTE CALCULATED AS DRY GAS AT STANDARD CONDITIONS	MAXIMUM CONCENTRATION OF PARTICULATE MATTER ALLOWED IN DISCHARGED GAS--GRAINS PER CUBIC FOOT OF DRY GAS AT STANDARD CONDITIONS	VOLUME DISCHARGED--CUBIC FEET PER MINUTE CALCULATED AS DRY GAS AT STANDARD CONDITIONS	MAXIMUM CONCENTRATION OF PARTICULATE MATTER ALLOWED IN DISCHARGED GAS--GRAINS PER CUBIC FOOT OF DRY GAS AT STANDARD CONDITIONS
1000 or less	0.200	20000	0.0635
1200	.187	30000	.0544
1400	.176	40000	.0487
1600	.167	50000	.0447
1800	.160	60000	.0417
2000	.153	70000	.0393
2500	.141	80000	.0374
3000	.131	100000	.0343
3500	.124	200000	.0263
4000	.118	400000	.0202
5000	.108	600000	.0173
6000	.101	800000	.0155
7000	.0949	1000000	.0142
8000	.0902	1500000	.0122
10000	.0828	2000000	.0109
15000	.0709	2500000 or more	.0100

(50.0) Rule 53. Specific Contaminants.

A person shall not discharge into the atmosphere from any single source emission whatsoever any one or more of the following contaminants, in any state or combination thereof, exceeding in concentration at the point of discharge:

(a) Sulphur Compounds calculated as sulphur dioxide (SO_2); 0.1 percent, by volume.

(b) Combustion Contaminants: 0.3 grain per cubic foot of gas calculated to 12 percent of carbon dioxide (CO_2) at standard conditions. In measuring the combustion contaminants from incinerators used to dispose of combustible refuse by burning, the carbon dioxide (CO_2) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation of 12 percent of carbon dioxide (CO_2).

(c) That amount of fluorine compounds which causes injury to the property of others. Any person emitting fluorine compounds in harmful amounts shall control such emission to thy maximum degree technically feasible with respect to the process or operation causing such emission.

(50.0) Rule 53-A Specific Contaminants

A person shall not discharge into the atmosphere from any single source of emission whatsoever, any one or more of the following contaminants, in any state or combination thereof, exceeding in concentration:

(a) Sulphur compounds, which would exist as a liquid or gas at standard conditions, calculated as sulfur dioxide (SO_2): 500 ppm by volume.

Rule 53-A(a) is to become effective in the Southeast Desert Air Basin on June 1, 1972, for all sources which are not either in operation or under construction prior to that date, and Rule 53(a) shall not be applicable to such sources in the Southeast Desert Air Basin on or after that date. Rule 53-A(a) is to become effective for all other sources in the Southeast Desert Air Basin on January 1, 1975, and Rule 53(a) shall not be applicable in the Southeast Desert Air Basin after that date.

Rule 53-A(a) is to become effective in the South Coast Air Basin on January 1, 1973, for all sources which are not either in operation or under construction prior to that date, and Rule 53(a) shall not be

applicable to such sources in the South Coast Air Basin on or after that date. This Rule 53-A(a) is to become effective for all other sources in the South Coast Air Basin on January 1, 1975, and Rule 53(a) is to be repealed on that date.

(b) Combustion contaminants in the South Coast Air Basin, 0.1 grain per cubic foot of gas caculated to 12 percent of carbon dioxide (CO_2) at standard conditions, except as provided in Rule 58-A.

Rule 53-A(b) is to become effective in the South Coast Air Basin on June 1, 1972, for all sources which are not either in operation or under construction prior to that date, and Rule 53(b) shall not be applicable to such sources in the South Coast Air Basin on or after that date. Rule 53-A(b) is to become effective for all other sources in the South Coast Air Basin on January 1, 1975, and Rule 53(b) shall not be applicable in the South Coast Air Basin on or after that date.

(c) Combustion contaminants in the Southeast Desert Air Basin, 0.2 grain per cubic foot of gas caculated to 12 percent of carbon dioxide (CO_2) at standard conditions.

This Rule 53-A(c) is to become effective in the Southeast Desert Air Basin on June 1, 1972, for all sources which are not either in operation or under construction prior to that date, and Rule 53(b) shall not be applicable to such sources in the Southeast Desert Air Basin on or after that date. Rule 53-A(c) is to become effective for all other sources in the Southeast Desert Air Basin on January 1, 1975, and Rule 53(b) is to be repealed on that date.

(d) That amount of fluorine compounds which causes injury to the property of others. Any person emitting fluorine compounds in harmful amounts shall control such emission to the maximum degree technically feasible with respect to the process or operation causing such emission.

Rule 53-A(d) is to become effective in the South Coast Air Basin on June 1, 1972, for all sources which are not either in operation or under construction prior to that date, and Rule 53(c) shall not be applicable to such sources in the South Coast Air Basin on or after that date. Rule 53-A(d) is to become effective for all other sources in the Southeast Desert Air Basin on January 1, 1975, and Rule 53(c) is to be repealed on that date.

(51.21) Rule 53.1 Scavenger Plants

Where a separate source of air pollution is a scavenger or recovery plant, recovering pollutants which would otherwise be emitted to the atmosphere, the Air Pollution Control Officer may grant a permit to operate where the total emission of pollutants is substantially less with the plant in operation than when closed, even though the concentration exceeds that permitted by Rule 53(a) or 53-A(a). The Air Pollution Control Officer shall report immediately in writing to the Air Pollution Control Board the granting of any such permit together with the facts and reasons therefore.

Effective January 1, 1975, this Rule is repealed for sulfur recovery units and for sulfuric acid units.

(51.19) Rule 53.2 Sulfur Recovery Units

A person shall not, after January 1, 1975, discharge into the atmophere from any sulfur recovery unit producing elemental sulfur, effluent process gas containing more than:

(1) 500 parts per million by volume of sulfur compounds calculated as sulfur dioxide.

(2) 10 parts per million by volume of hydrogen sulfide.

(3) 200 pounds per hour of sulfur compounds calculated as sulfur dioxide.

Any sulfur recovery unit having an effluent gas process discharge containing less than 10 pounds per hour of sulfur compounds calculated as sulfur dioxide may dilute to meet the provision of number (1) above.

(51.18) Rule 53.3 Sulfuric Acid Units

A person shall not, after January 1, 1975, discharge into the atmosphere from any sulfuric acid unit, effluent process gas containing more than:

(1) 500 parts per million by volume of sulfur compounds calculated as sulfur dioxide.

(2) 200 pounds per hour of sulfur compounds calcualted as sulfur dioxide.

(50.1)
(50.6) Rule 54. Dust and Fumes.

(a) A person shall not discharge in any one hour from any source whatsoever dust or fumes in total quantities in excess of that amount shown in the following table: (see Table 1)

To use the following table, take the process weight per hour as such is defined in Rule 2. Then find this figure on the table, opposite which is the maximum number of pounds of contaminants which may be discharged into the atmosphere in any one hour. As an example, if "A" has a process which emits contaminants into the atmosphere and which process takes 3 hours to complete, he will divide the weight of all materials in the specific process, in this example 1,500 lbs., by 3 giving a process weight per hour of 500 lbs. in any one hour during the process. Where the process weight per hour falls between the figures in the left hand column, the exact weight of permitted discharge may be interpolated.

(b) The limiations established by 54(a) shall not require the reduction of particulate matter concentration, based on the source gas volume , below the concentration specified in Table II for such volume; provide that, for the purposes of this section (b), the person determined according to the provisions of 54(c); and provide further that the burden of showing the source gas volume or other volume substituted therefor, including all of the factors which determine such volume and the methods of determining and computing such volume, shall be on the person seeking to come within the provisions of this section 54(b).

(c) Any volume of gases passing through and leaving an air pollution abatement operation may be substituted for the source gas volume of source operation served by such air pollution abatement operation, for the purposes of 54(b), provided such air pollution abatement operation emits no more than 40% of the weight of particulate matter entering thereto; and provided further that such substituted volume shall be corrected to standard conditions and to a moisture content no greater than that of any gas stream entering such air pollution abatement operation.

Table 1

*Process Wt/hr (lbs)	Max. Weight Disch/hr (lbs)	*Process Wt/hr (lbs)	Max. Weight Disch/hr (lbs)	*Process Wt/hr (lbs)	Max. Weight Disch/hr(lbs)
50	.24	2100	4.14	5500	7.03
100	.46	2200	4.34	6000	7.37
150	.66	2300	4.44	6500	7.71
200	.85	2400	4.55	7000	8.05
250	1.03	2500	4.64	7500	8.39
300	1.20	2600	4.74	8000	8.71
350	1.35	2700	4.84	8500	9.03
400	1.50	2800	4.92	9000	9.36
450	1.63	2900	5.02	9500	9.67
500	1.77	3000	5.10	10000	10.0
550	1.89	3100	5.18	11000	10.63
600	2.01	3200	5.27	12000	11.28
650	2.12	3300	5.36	13000	11.89
700	2.24	3400	5.44	14000	12.50
750	2.32	3500	5.52	15000	13.13
800	2.43	3600	5.61	16000	13.74
850	2.53	3700	5.69	17000	14.36
900	2.62	3800	5.77	18000	14.97
1000	2.80	3900	5.85	19000	15.58
1100	2.97	4000	5.93	20000	16.19
1200	3.12	4100	6.01	30000	22.22
1300	3.26	4200	6.08	40000	28.3
1400	3.40	4300	6.15	50000	34.3
1500	3.54	4400	6.22	60000	40.0
1600	3.66	4500	6.30	or	
1700	3.79	4600	6.45	more	
1800	3.91	4800	6.52		
1900	4.03	4900	6.60		
2000	4.14	5000	6.67		

*See Definition in Rule 2

Table II

MINIMUM CONCENTRATION TO BE REQUIRED

Source Gas Volume, SCFM	Concentration GR/SCF	Source Gas Volume, SCFM	Concentration GR/SCF
7,000 or less	0.100	140,000	0.038
8,000	0.096	160,000	0.036
9,000	0.092	180,000	0.035
10,000	0.089	200,000	0.034
20,000	0.071	300,000	0.030
30,000	0.062	400,000	0.027
40,000	0.057	500,000	0.025
50,000	0.053	600,000	0.024
60,000	0.050	800,000	0.021
80,000	0.045	1,000,000 or more	0.020
100,000	0.042		
120,000	0.040		

(50.1.1) Rule 54-A Solid Particulate Matter - Weight - South Coast Air Basin

A person shall not discharge into the atmosphere from any source, solid particulate matter in excess of the rate shown in the following table.

For the purpose of this Rule solid particulate matter includes any material which would become solid particulate matter if cooled to standard conditions.

This Rule is to become effective in the South Coast Air Basin on June 1, 1972, for all sources which are not either in operation or under construction prior to that date, and Rule 54 shall not be applicable to such sources in the South Coast Air Basin on or after that date. This Rule is to become effective for all other sources in the South Coast Air Basin on January 1, 1975, and Rule 54 shall not be applicable in the South Coast Air Basin after that date.

TABLE FOR RULE 54-A
SOUTH COAST AIR BASIN

PROCESS WEIGHT PER HOUR-- POUNDS PER HOUR	MAXIMUM DISCHARGE RATE ALLOWED FOR SOLID PARTICULATE MATTER (AGGREGATE DISCHARGED FROM ALL POINTS OF PROCESS -- POUNDS PER HOUR	PROCESS WEIGHT PER HOUR-- POUNDS PER HOUR	MAXIMUM DISCHARGE RATE ALLOWED FOR SOLID PARTICULATE MATTER (AGGREGATE DISCHARGED FROM ALL POINTS OF PROCESS) -- POUNDS PER HOUR
250 or less	1.00	12000	10.4
300	1.12	14000	10.8
350	1.23	16000	11.2
400	1.34	18000	11.5
450	1.44	20000	11.8
300	1.54	25000	12.4
600	1.73	30000	13.0
700	1.90	35000	13.5
800	2.07	40000	13.9
900	2.22	45000	14.3
1000	2.38	50000	14.7
1200	2.66	60000	15.3
1400	2.93	70000	15.9
1600	3.19	80000	16.4
1800	3.43	90000	16.9
2000	3.66	100000	17.3
2500	4.21	120000	18.1
3000	4.72	140000	18.8
3500	5.19	160000	19.4
4000	5.64	180000	19.9
4500	6.07	200000	20.4
5000	6.49	250000	21.6
5500	6.89	300000	22.5
6000	7.27	350000	23.4
6500	7.64	400000	24.1
7000	8.00	450000	24.8
7500	8.36	500000	25.4
8000	8.70	600000	26.6
8500	9.04	700000	27.6
9000	9.36	800000	23.4
9500	9.68	900000	29.3
10000	10.00	1000000 or more	30.0

(7.0) Rule 55a. Upset Conditions or Breakdown.

Emission exceeding any of the limits established in this regulation as a direct result of upset conditions in or breakdown of any air pollution control equipment or related processing equipment shall not be deemed to be in violation of the rules establishing such limits, provided all the requirements of this section 55a to wit, 55.1a through 55.2d are met unless negligence is determined to be the casual factor.

Rule 55.1a.

Such occurrences shall be reported to the officer of the District within one hour.

Rule 55.2a.

The person responsible for such emission shall, with all practicable speed, initiate and complete appropirate reasonable action to correct the conditions causing such emissions to exceed said limits; to reduce the frequency of occurrence of such conditions; to minimize the amount by which said limits are exceeded; and shall, upon request of the control officer, submit to the control officer a full report of such occurrence, including a statement of all known causes and of the scheduling and nature of the actions to be taken pursuant to this section 55.2a.

Rule 55.2b.

If the condition is determined to have been caused by negligence, the control officer or his representative shall immediately issue a citation for said violation. If the condition is determined to be the result of electrical or mechanical failure, and not due to negligence, the process operation may continue providing the required repairs can be completed within a matter of minutes.

Rule 55.2c.

If the electrical or mechanical failure is of such nature that it cannot be corrected in less than one hour but may be corrected within a four hour period, the process operation may only continue at a reduced rate approved by the Air Pollution Control District, which would minimize emission during the repair period.

Rule 55.2d.

If the electrical or mechanical failure will require more than four hours to correct, the control officer shall require the violator to proceed at one with the variance procedure. In this instance both the violator and the control officer shall waive the ten-day waiting period.

Rule 55.2e.

These rules (55a through 55.2d) shall not apply if upset conditions or breakdowns exceed five percent of total operating time per month of said equipment.

(51.16) Rule 56. Storage of Petroleum Products.

A person shall not place, store or hold in any stationary tank, reservoir or other container of more than 40,000 gallons capacity any gasoline or any petroleum distillate having a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions, unless such tank, reservoir or other container is a pressure tank maintaining working pressures sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere or is designed and equipped with one of the following vapor loss control devices, property installed, in good working order and in operation:

(a) A floating roof, consisting of a pontoon type or double-deck type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and tank wall. The control equipment provided for in this paragraph shall not be used if the gasoline or petroleum distillate has a vapor pressure of 11.0 pounds per square inch absolute or greater under actual storage conditions. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

(b) A vapor recovery system, consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place.

(c) Other equipment of equal efficiency, provided such equipment is submitted to and approved by the Air Pollution Control Officer.

(51.13) Rule 57. Open Fires.

(a) A person shall not burn or maintain or permit the maintenance of the burning of any combustible refuse in any open outdoor fire except pursuant to the provisions set forth under (a)(1) below and after obtaining a permit from the control officer as provided under (a) and (2) below:

(1) When such fire is set or permission for such fire is given in the performance of the official duty of public fire, agircultural or health officials, and such fire in the opinion of such officer is necessary:

a. For the purpose of the prevention of a fire hazard which cannot be abated by any other practical means, or

b. The instruction of public or industrial employees in the methods of fire fighting, or

c. The elimination of a health hazard, or

d. Conducting agircultural operations in the growing of crops, or raising of fowl , animals or bees on a farm.

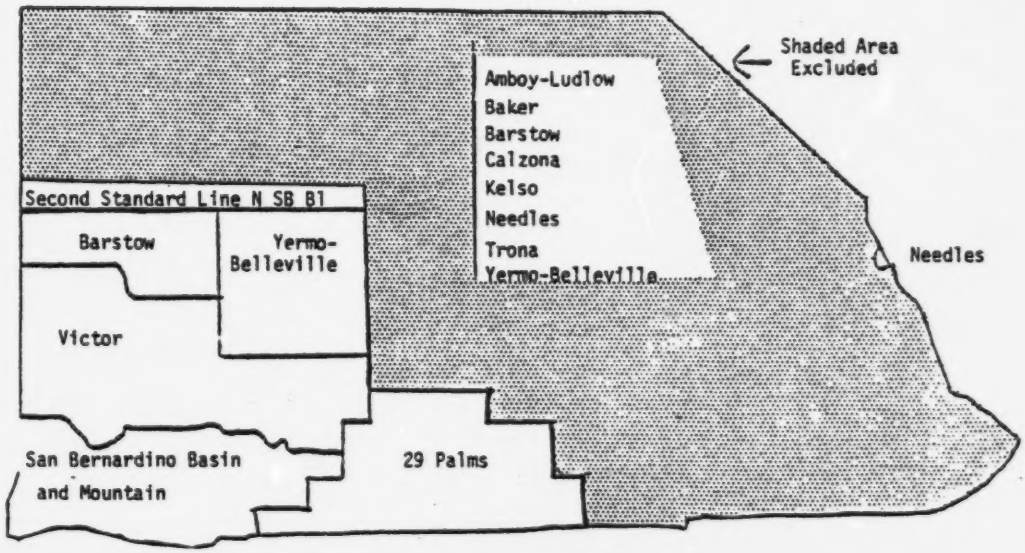
(2) Pursuant to an additional permit by the Control Officer, the Control Officer shall not so permit any open outdoor fire, as defined under (1)(a) and (d), during a smog condition. He may permit open outdoor buring under (1)(b) and (c) above, during a smog condition. (Upon denial of any application for a permit, the applicant may appeal the Control Officer's denial to the Hearing Board. Upon such appeal, the Hearing Board shall consider (i) the length of time a Smog Condition has existed, (ii) the length of time (if any) that a Smog Condition is likely to continue to exist, (iii) the existence (if any) of any public nuisance, and the extent or magnitude of such nuisance which would be abated by such an open outdoor fire. If the Hearing Board finds that any further delay in the abatement of a public nuisance by burning is more detrimental to the public health, safety and welfare, than the probable contributuion likely to be made to Air Pollution, the Hearing Board shall direct the Control Officer to grant such a permit.)

(b) The open outdoor burning of any orchards or of any tree from an orchard shall not be permitted, and shall constitue a violation of this rule, unless it is conducted in an operation certified by the County Agricultural Commissioner as an agricultural operation. Also, open outdoor burning of orchards or trees from an orchard may be permitted if required under the abatement provisions of the San Bernardino County Code, Section 27.051 et seq.

(c) Adopted March 2, 1970. Excluded form the open burning restrictions until June 30, 1971, are the following Judicial Districts: Amboy-Ludlow, Baker, Calzona, Kelso, Trona,

Needles (except the City), Barstow and Yermo-Belleville.
More particularly described as:

Area north of the Second Standard Line north of San Bernardino Base Line and east of a line common to Range 5E and Range 6E, south to line common to T4N and T5N, east to a line common to R9E and R10E, south to a line common to T3N and T4N, east to a line common to R11E and R12E; south to a line common to T1N and T2N; east to a line common R12E and R13E; and to San Bernardino -Riverside County Line.



(51.9) Rule 58. Incinerator Burning.

(a) A person shall not burn any combustible refuse in any incinerator within the San Bernardino Basin except in a multiple chamber incinerator as described in Rule 2 or in equipment found by the Air Pollution Control Officer in advance of such use to be equally effective for the purpose of air pollution control as an approved multiple chamber incinerator.

(b) Outside of the San Bernardino Basin, a single chamber incinerator as described in Rule 2 may be used exclusively in connection with structure which is designed for and used exclusively as a single family dwelling but only for disposal of paper and paper products. Disposal of other materials in a single chamber incinerator is expressly prohibited.

(51.9) Rule 58-A Disposal of Solid and Liquid Wastes - South Coast Air Basin

(a) A person shall not burn any combustilbe refuse in any incinerator, except in a multiple-chamber incinerator as described in Rule 2, or in the equipment found by the Air Pollution Control Officer in advance of such use to be equally effective for the purpose of air pollution control as an approved multiple-chamber incinerator.

(b) A person shall not discharge into the atmosphere from any incinerator or other equipment used to dispose of combustible refuse by burning, having design burning rates greater than 100 pounds per hour, except as provided in subsection (d) of this Rule, particulate matter in excess of 0.1 grain per cubic foot of gas calculated to 12 percent of carbon dioxide (CO_2) at standard conditions. Any carbon dioxide (CO_2) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 percent of carbon dioxide (CO_2).

(c) A person shall not discharge into the atmosphere from any equipment whatsoever, used to process combustible refuse, except as provided in subsection (d) of this Rule, particulate matter in excess of 0.1 grain per cubic foot of gas calculated to 12 percent of carbon dioxide (CO_2) at standard conditions. Any carbon dioxide (CO_2) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 percent of carbon dioxide (CO_2).

(d) A person shall not discharge into the atmosphere from any incinerator or other equipment used to dispose of combustible refuse by burning, having a design burning rates of 100 pounds per hour or less, particulate matter in excess of 0.3 grain

per cubic foot of gas calculated to 12 percent of carbon dioxide (CO_2) at standard conditions and shall not discharge particles which are individually large enough to be visible while suspended in the atmosphere. Any carbon dioxide (CO_2) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 percent of carbon dioxide (CO_2).

This Rule is to become effective in the South Coast Air Basin on June 1, 1972, for all sources which are not either in operation or under construction prior to that date, and Rule 58 shall not be applicable to such sources in the South Coast Air Basin on or after that date. This Rule is to become effective for all other sources in the South Coast Air Basin on January 1, 1975, and Rule 58 shall not be applicable in the South Coast Air Basin on or after that date.

(51.16) Rule 59. Oil-Effluent Water Separator.

A person shall not use any compartment of any single or multiple compartment oil-effluent water separator which compartment receives effluent water containing 200 gallons a day or more of any petroleum product or mixture of petroleum products from any equipment processing, refining, treating, storing or handling kerosine or other petroleum product of equal or greater volatility than kerosine, unless such compartment is equipped with one of the following vapor loss control devices, properly installed, in good working order and in operation:

(a) A solid cover with all openings sealed and totally enclosing the liquid contents. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

(b) A floating roof, consisting of a pontoon type or double-deck type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and container wall. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

(c) A vapor recovery system, consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place.

(d) Other equipment of equal efficiency, provided such equipment is submitted to and approved by the Air Pollution Control Officer.

This rule shall not apply to any oil-effluent water separator used exclusively in conjunction with the production of crude oil.

For the purpose of this rule, "kerosine" is defined as any petroleum product which, when distilled by ASTM standard test method D 86-56, will give a temperature of 401 degrees F. or less at the 10 percent point recovered.

(2.0) Rule 60. Circumvention.

A person shall not build, erect, install, or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of Division 20, Chapter 2 of the Health and Safety Code of the State of California or of these Rules and Regulations. This Rule shall not apply to cases in which the only violation involved is of Section 24243 of the Health and Safety Code of the State of California, or of Rule 51 of these Rules and Regulations.

(51.16) Rule 462. Organic Liquid Loading.

(a) Facilities Handling 75,700 liters (20,000 gallons) Per Day or More

(1) A person shall not load organic liquids having a vapor pressure of 77.5 millimeters of mercury (1.5 psia) or greater under actual loading conditions into any tank truck, trailer or railroad tank car from any loading facility having a throughput of 75,700 liters (20,000 gallons) or more in any one day, unless the loading facility is equipped with a vapor collection and disposal system or its equivalent approved by the Air Pollution Control Officer.

(2) Loading shall be accomplished in such a manner that the displaced vapor and air will be vented only to the vapor collection system. Measures shall be taken to prevent liquid drainage from the loading device when it is not in use or to accomplish complete drainage before the loading device is disconnected.

(3) The vapor disposal portion of the vapor collection and disposal system shall consist of one of the following:

(A) An absorber system or condensation system which processes the displaced vapor and recovers at least 90 percent by weight of the organic vapors and gases from the equipment being controlled.

(B) A vapor handling system which directs the displaced vapors to a fuel gas system.

(C) Other equipment of an efficiency equal to or greater than (A) or (B) if approved by the Air Pollution Control Officer.

(b) Facilities Handling Less Than 75,700 liters (20,000 gallons) Per Day

(1) Any facility that was in operation prior to January 9, 1976, that distributes 1,892,500 liters (500,000 gallons) or more of gasoline annually to storage vessels not exempted under Sections (c)(1), (c)(2), and (c)(3) of Rule 461, but less than a total of 75,700 liters (20,000 gallons) of gasoline in any one day shall return the vapors displaced from the delivery vessel back to the stationary storage container.

(2) Any facility in operation prior to January 9, 1976, that distributes less than 75,700 liters (20,000 gallons) of gasoline in any one day shall be exempt from the provisions of this rule provided that:

(A) Less than 1,892,500 liters (500,000 gallons) per year are distributed to storage vessels, not exempted under Sections (c)(1), (c)(2), and (c)(3) of Rule 461;

(B) All gasoline is loaded into transport vessels through a fill pipe, the discharge opening of which is submerged when the liquid level is 8 centimeters (3.15 inches) above the bottom of the vessel;

(C) The owner or operator of the facility petitions the Air Pollution Control Officer annually for this exemption.

(3) Any such facility constructed or installed on or after January 9, 1976, irrespective of throughput, shall comply with the provisions of Section (b)(1) and shall not be eligible for the exemption in Section (b)(2).

(c) Effective Dates

(1) The owner or operator of any organic liquid loading facility subject to this rule which is installed or constructed on or after January 9, 1976, shall comply with the provisions of this rule at the time of installation.

(2) The owner or operator of any organic liquid loading facility subject to this rule which is operating or in the process of being installed or constructed before January 9, 1976, shall comply with the provisions of this rule by August 1, 1976, and shall comply with the following increments of progress:

(A) By April 1, 1976, submit to the Air Pollution Control Officer a final control plan which describes, as a minimum, the steps that will be taken to achieve compliance with the provisions of this rule.

(B) By May 1, 1976, negotiate and sign all necessary contracts for emission control systems, or issue orders for the purchase of component parts to accomplish emission control.

(C) By June 1, 1976, initiate on-site construction or installation of emission control equipment.

(D) By July 1, 1976, complete on-site construction or installation of emission control equipment.

(E) By August 1, 1976, assure final compliance with the provisions of this rule.

(50.2) Rule 62. Sulfur Contents of Fuels.

A person shall not burn any gaseous fuel containing sulfur compounds in excess of 50 grains per 100 cubic feet of gaseous fuel, calculated as hydrogen sulfide at standard conditions, or any liquid fuel or solid fuel having a sulfur content in excess of 0.5 percent by weight.

The provisions of this rule shall not apply to:

(a) The burning of sulfur, hydrogen sulfide, acid sludge or other sulfur compounds in the manufacturing of sulfur or sulfur compounds.

(b) The incinerating of waste gases provided that the gross heating value of such gases is less than 300 British Thermal Units per cubic foot at standard conditons and the fuel used to incinerate such waste gases does not contain sulfur or sulfur compounds in excess of the amount specified in this Rule.

(c) The use of solid fuels in any metallurgical process.

(d) The use of fuels where the gaseous products of combustion are used as raw materials for other processes.

(e) The use of liquid or solid fuel to propel or test any vehicle, aircraft, missile, locomotive, boat or ship.

(f) The use of fuel with higher sulfur content where process conditions or control equipment remove sulfur compounds from the stack gases to the extent that the emission of sulfur compounds to the atmosphere is no greater than that which would be emitted by using a fuel which complies with the provisions of this Rule.

Every holder of, and every applicant for a permit to operate fuel-burning equipment under these Rules and Regulations shall notify tne Air Pollution Control Officer in the manner and form prescribed by him, of each interruption in and resumption of delivery of gaseous fuel to his equipment.

It shall not be a violation of this Rule to burn fuel not permitted by this Rule for a period of not to exceed threee calendar days (and in addition to render a decision, provided that an application ofr a variance is promply filed) when other fuel which complies with this Rule cannot be used due to accident, strike, sabotage, act of God, or failure of the supplier.

(50.2) Rule 62.1 Sulfur Contents of Natural Gas- South Coast Air Basin

A person shall not burn natural gas containing sulfur compounds in excess of 15 grains per 100 cubic feet, calculated as hydrogen sulfide at standard conditions.

The provisions of this Rule shall not apply to the use of fuels where the gaseous products of combustion are used as raw materials for other processes.

This Rule shall become effective in the South Coast Air Basin on January 1, 1975, for all sources which are either in operation, or under construction under a valid authority to construction June 1, 1972. This Rule shall be effective in the South Coast Air Basin for all other sources on June 1, 1972.

(12.0) Rule 63. Gasoline Specifications.

(a) A person shall not, after August 18, 1970, sell or supply for use within the District as a fuel for motor vehicles as defined by the Vehicle Code of the State of California, gasoline haivng a degree of unsaturation greater than that indicated by a Bromine Number of 30 as determined by ASTM Method D1159-57T modified by omission of the mercuric chloride catalyst.

(b) For the purpose of this Rule, the term "gasoline" means any petroleum distillate having a Reid vapor pressure of more than four pounds.

(51.21) Rule 64. Reduction of Animal Matter.

A person shall not operate or use any article, machine, equipment or other contrivance for the reduction of animal matter unless all gases, vapors and gas-entrained effluents from such an article, machine, equipment or other contrivance are:

(a) Incinerated at temperatures of not less than 1200 degrees Fahrenheit for a period of not less than 0.3 second, or

(b) Processed in such a manner determined by the Air Pollution Control Officer to be equally, or more, effective for the purpose of air pollution control than (a) above.

A person incinerating or processing gases, vapors or gas-entrained effluents pursuant to this Rule shall provide, properly install and maintain in calibration, in good working order and in operation devices, as specified in the Authority to Construct or Permit to Operate or as specified by the Air Pollution Control Officer, for indicating temperature, pressure or other operating conditions.

For the purpose of this Rule, "reduction" is defined as any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating and protein concentrating.

The provisions of this Rule shall not apply to any article, machine, equipment or other contrivance used exclusively for the processing of food for human consumption.

(51.16) Rule 461 Gasoline Transfer and Dispensing

(a) Gasoline Transfer Into Stationary Storage Containers

(1) A person shall not transfer or permit the transfer of gasoline from any tank truck, trailer or railroad tank car into any stationary storage container with a capacity of more than 950 liters (251 gallons) unless such container is equipped with a permanent submerged fill pipe and unless 90 percent by weight of the gasoline vapors displaced during the filling of the stationary storage container are prevented from being released to the atmosphere.

(2) The provisions of Section (a)(1) shall be met by either:

(A) The displaced gasoline vapors being processed by a system that includes:

(i) A vapor-tight gasoline fill connector.

(ii) A vapor-tight return line to the delivery vessel of at least 7.6 centimeters (3 inches) nominal diameter.

(iii) A device approved by the Air Pollution Control Officer which will ensure that the vapor return line is connected before gasoline can be transferred into the container.

(iv) The vapor-laden delivery vessel shall be designed and maintained to be in a vapor-tight condition.

(v) The vapor-laden delivery vessel shall be refilled only at facilities equipped with vapor collection and disposal systems as required by Rule 462.

(B) The displaced gasoline vapors and gases are processed by a system approved by the Air Pollution Control Officer and with a minimum recovery efficiency at least equivalent to that of the system described above; or

(C) Transfer is made to a storage container equipped as described in Rule 463.

(b) Gasoline Transfer into Vehicle Fuel Tanks

(1) A person shall not transfer or permit the transfer of gasoline from a stationary container subject to the provisions of Section (a) into any motor vehicle fuel tank of greater than 19 liters (5 gallons) capacity unless 90% by weight of gasoline vapors displaced during the transfer are prevented from entering the atmosphere. The transfer shall be made through a fill nozzle which:

(A) Is designed and operated to prevent the discharge of gasoline vapors to the atmosphere from the vehicle filler neck and the fill nozzle, and

(B) Is designed and operated to prevent fuel tank overfills and spillage on fill nozzle disconnect, and

(C) Limits the fill rate to a maximum of 30 liters (7.9 gallons) per minute.

(c) Exemptions

The provisions of this rule shall not apply to the transfer of gasoline:

(1) Into or from any stationary container having a capacity of 7,570 liters (2,000 gallons) or less which was installed prior to March 5, 1975, if such container is equipped with a permanent submerged fill pipe by March 1, 1977, or into or from any underground storage container installed prior to March 5, 1975, where the fill line between the fill connection and container is offset.

(2) Into or from any stationary container which is used primarily for the fueling of implements of husbandry, as such vehicles are defined in Division 16 (Section 36,000 et seq.) of the California Vehicle Code, if such container is equipped with a submerged fill pipe by March 1, 1977.

(3) Into or from any stationary container located in the Southeast Desert Air Basin portion of San Bernardino County, the Joshua Tree area, or the Palo Verde area, if such container is equipped with a permanent submerged fill pipe by March 1, 1977, or at the time of container installation if after that date.

(4) Into a motor vehicle from any stationary storage container having a capacity of 950 liters (251 gallons) or less, or from any mobile container used exclusively for refueling of vehicles or aircraft.

(5) Into motor vehicles form any gasoline dispensing facility in existence prior to March 5, 1975, which is located in a structure where the dispensers are at a lower elevation than the bottom of the gasoline storage containers.

(6) Into or from any stationary container installed or under construction prior to January 9, 1976, and located in Riverside or San Bernardino County which is exclusively receiving gasoline from any loading facility which is exempted under the provisions of Section (b)(2) of Rule 462, if such container is equipped with a permanent submerged fill pipe by March 1, 1977.

(d) Other Provisions

(1) A person shall not install any gasoline storage container with a capacity of more than 950 liters (251 gallons) unless such container meets the provisions of this rule.

(2) Vapor return or vapor recovery systems used to comply with the provisions of this rule shall comply with all safety, fire, weights and measures, and other applicable codes or regulations. All fill nozzles, pressure-vacuum relief vents and any vacuum-assisted vapor recovery system must by of a type approved for the purpose by a fire and safety testing organization by the fire department having jurisdiction.

(e) Definitions

For the purpose of this rule, the following definitions are included:

(1) "Gasoline vapors" means the organic compounds in the displaced vapors including any entrained liquid gasoline.

(2) A "motor vehicle" is any self-propelled vehicle registered for use on the highways.

(f) Effective Dates

(1) The owner or operator of any stationary storage container or gasoline dispensing facility subject to this rule and which is installed or constructed on or after January 9, 1976, shall comply with the provisions of this rule at the time of installation.

(2) The owner or operator of any stationary storage or gasoline dispensing facility subject to this rule which is operating or in the process of being installed or constructed before January 9, 1976, shall comply with the following schedule of increments of progress:

SECTION A (TRANSFER INTO STORAGE CONTAINERS)

Located in County of	Tank Cap. (gal.)	Submit(1)	Negotiate(2)	Initiate(3)	Complete(4)	Assure(5)
Los Angeles	6,000 or larger	9-15-74	11-15-74	12-1-74	4-1-75	5-1-75
	less than 6,000	1-6-75	4-1-75	6-1-75	2-1-76	5-1-76
Range	All	9-1-75	11-1-75	12-1-75	6-1-76	7-1-76
Riverside	All	9-1-75	11-1-75	3-1-76	5-1-76	6-1-76
San Bernardino	6,000 or larger	1-1-75	2-15-75	4-1-75	7-1-75	8-1-75
	less than 6,000	8-1-75	11-1-75	12-31-75	2-1-76	5-1-76

SECTION B (DISPENSING INTO VEHICLES)

Located in County of	Tank Cap. (gal.)	Submit(1)	Negotiate(2)	Initiate(3)	Complete(4)	Assure(5)
Los Angeles	6,000 or larger	1-6-75	3-1-75	5-1-75	120 Days from C Date (6)	180 Days from C Date (6)
	less than 6,000	6-1-75	11-1-75	120 Days from C Date (6)	150 Days from C Date (6)	180 Days from C Date (6)
Range	All	9-1-75	11-1-75	2-1-76	120 Days from C Date (6)	180 Days from C Date (6)
Riverside	All	9-1-75	11-1-75	3-1-76	120 Days from C Date (6)	150 Days from C Date (6)
San Bernardino	6,000 or larger	1-1-75	2-15-75	4-1-75	120 Days from C Date (6)	150 Days from C Date (6)
	less than 6,000	8-1-75	11-1-75	1-2-76	120 Days from C Date (6)	150 Days from C Date (6)

(1) Submit to the Air Pollution Control Officer a final control plan which describes at a minimum the steps that will be taken by the source to achieve compliance with the provisions of this Rule.

(2) Negotiate and sign all necessary contracts for emission control systems, or issue orders for the purchase of component parts to accomplish emission control.

(3) Initiate on-site construction or installation of emission control equipment.

(4) Complete on-site construction or installation of emission control equipment.

(5) Assure final compliance with the provisions of this Rule.

(6) "C Date" is defined as the date on which The Air Resources Board certifies a gasoline vapor control system in accordance with Section 39068.6 of the Health and Safety Code.

(50.4) Rule 66. Organic Solvents.

(a) A person shall not discharge more than 15 pounds of organic materials into the atmosphere in any one day from any article, machine, equipment or other contrivance in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heat-cured or heat-polymerized, in the presence of oxygen, unless alll organic materials discharged from such article, machine, equipment or other contrivance have been reduced either at least 85 percent over-all or to not more than 15 pounds in any one day.

(b) A person shall not discharge more than 40 pounds of organic material into the atmosphere in any one day from any article, machine, equipment or other contrivance used under conditions other than described in section (a), for employing, applying, evaporating or drying any photochemically reactive solvent, as defined in section (k), or material containing such solvent, unless all organic materials discharged from such article, machine, equipment or other contrivance have been reduced either by at least 85 percent over-all or to not more than 40 pounds in any one day.

(c) Any series of articles, machines, equipment or other contrivances designed for processing a continuously moving sheet, web, strip or wire which is subjected to any combination of operations described in section (a) or (b) involving any photochemically reactive solvent, as defined in section (k), or material containing such solvent, shall be subject to compliance with section (b). Where only non-photochemically reactive solvents or material containing only non-photochemically reactive solvents are employed or applied, and where any portion or portions of said series or articles, machines, equipment or other contrivances involves operation described in section (a), said portions shall be collectively subject to compliance with section (a).

(d) Emissions of organic materials to the atmosphere from the clean-up with photochemically reactive solvents, as defined in section (k), of any article, machine, equipment or other contrivance described in sections (a), (b) or (c), shall be included with the other emissions of organic materials from that article, machine, equipment or other contrivance for determining compliance with this Rule.

(e) Emissions of organic materials to the atmosphere as a result of spontaneously continuing drying of products for the first 12 hours after their removal from any article, machine,

equipment or other contrivance described in sections (a), (b) or (c), shall be included with other emissions of organic materials from that article, machine, equipment or other contrivance for determining compliance with this Rule.

(f) Emission of organic materials into the atmosphere required to be controlled by sections (a), (b) or (c), shall be reduced by:

(1) Incineration, provided that 90 percent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide, or

(2) Adsorption, or

(3) Processing in a manner determined by the Air Pollution Control Officer to be not less effective than (1) or (2) above.

(g) A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this Rule shall provide, properly install and maintain in calibration, in good working order and in operation, devices as specified in the authority to construct or the permit to operate, or as specified by the Air Pollution Control Officer, for indicating temperatures, pressures, rates of flow or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

(h) Any person using organic solvent or any materials containing organic solvents shall supply the Air Pollution Control Officer, upon request and in the manner and form prescribed by him, written evidence of the chemical composition, physical properties and amount consumed for each organic solvent used.

(i) The provisions of this Rule shall not apply to:

(1) The manufacture of organic solvents, or the transport or storage of organic solvents or materials containing organic solvents.

(2) The use of equipment for which other requirements are specified by Rules 56, 59, 61 or 65 or which are exempt from air pollution control requirements by said Rules.

(3) The spraying or other employment of insecticides, pesticides or herbicides.

(4) The employment, application, evaporation or drying of saturated halogenated hydrocarbons or perchloroethylene.

(j) For the purpose of this Rule, organic solvents include diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers or cleaning agents.

(k) For the purpose of this Rule, a photochemically reactive solvent is any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:

(1) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones having an olefinic or cyclo-olefinic type of unsaturation: 5 percent;

(2) A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 percent;

(3) A combination of ethylbenzene, ketones having branched hydrocarbon structures, or toluene: 20 percent.

Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percent of the total volume of solvents.

For the purpose of this Rule, organic materials are defined as chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.

(50.4) Rule 66.1. Architectural Coatings.

(a) After August 18, 1970, a person shall not sell or offer for sale for use in San Bernardino County in containers of one quart capacity or larger, any architectural coating containing photochemically reactive solvent, as defined in Rule 66(k).

(b) After August 18, 1970, a person shall not employ, apply evaporate or dry in San Bernardino County any architectural coating, purchased in containers of one quart capacity or larger, containing photochemically reactive solvent, as defined in Rule 66(k).

(c) After August 18, 1970, a person shall not thin or dilute any architectural coating with a photochemically reactive solvent, as defined in Rule 66(k).

(d) For the purpose of this rule, an architectural coating is defined as a coating used for residential or commercial buildings and their appurtenances; or industrial buildings.

(50.4) Rule 66.2. Disposal and Evaporation of Solvents.

A person shall not during any one day dispose of a total of more than 1-1/2 gallons of any photochemically reactive solvent, as defined in Rule 66(k), or of any material containing more than 1-1/2 gallons of any such photochemically reactive solvent by means which will permit the evaporation of such solvent into the atmosphere.

(51.5) Rule 67. Fuel Burning Equipment.
(51.6)
(51.7) A person shall not build, erect, install or expand any non-mobile fuel burning equipment unit within the San Bernardino Basin unless the discharge into the atmosphere of contaminants will not and does not exceed any one or more of the following rates:

(a) 200 pounds per hour of sulfur compounds, calculated as nitrogen sulfur dioxide (SO_2);

(b) 140 pounds per hour of nitrogen oxides, calculated as nitrogen dioxide (NO_2);

(c) 10 pounds per hour of combustion contaminants as defined in Rule 2 and derived from the fuel.

For the purpose of this Rule, a fuel burning equipment unit shall be comprised of the minimum number of boilers, furnaces, jet engines or other fuel burning equipment, the simultaneous operations of which are required for the production of useful heat or power.

Fuel burning equipment serving primarily as air pollution control equipment by using a combustion process to destroy air contaminants shall be exempt from the provisions of this Rule.

Nothing in this Rule shall be construed as preventing the maintenance or preventing the alteration or modification of an existing fuel burning equipment unit which will reduce its mass rate of air contaminant emissions.

This Rule shall not apply to any processing operation in which a flame directly contacts the material being processed, until such time as Federal standards (Health, Education and Welfare) are completed.

(51.7) Rule 68 Fuel Burning Equipment--Oxides of Nitrogen

A person shall not discharge into the atmosphere from any mon-mobile fuel burning article, machine, equipment or other contrivance, having a maximum heat input rate of more than 1775 million British Thermal Units (BTU) per hour (gross), flue gas having a concentration of nitrogen oxides, calculated as nitrogen dioxide (NO_2) at 3 percent oxygen, in excess of 125 ppm when fired by a gaseous fuel and 225 ppm when fired by a liquid or solid fuel.

This Rule shall become effective on January 1, 1975, for all sources.

(51.21) Rule 69 Vacuum Producing Devices or Systems - South Coast Air Basin

A person shall not discharge into the atmosphere more than 3 pounds of organic materials in any one hour form any vacuum producing devices or systems including hot wells and accumulators, unless said discharge has been reduced by at least 90 percent.

This Rule shall become effective in the South Coast Air Basin on January 1, 1975, for all sources which are either in operation, or under construction under a valid authority to construct on June 1, 1972. This Rule shall be effective for all other sources in the South Coast Air Basin on June 1, 1972.

(51.8) Rule 70 Asphalt Air Blowing - South Coast Air Basin

A person shall not operate or use any article, machine, equipment or other contrivance for the air blowing of asphalt unless all gases, vapors and gas-entrained effluents from such an article, machine, equipment or other contrivance are:

(a) Incinerated at temperatures of not less than 1440 degrees Fahrenheit for a period of not less than 0.3 second, or

(b) Processed in such a manner determined by the Air Pollution Control Officer to be equally, or more, effective for the purpose of air pollution control than (a) above.

This Rule shall become effective in the South Coast Air Basin on January 1, 1975, for all sources which are either in operation, or under construction under a valid authority to construct on June 1, 1972. This Rule shall be effective for all other sources in the South Coast Air Basin on June 1, 1972.

(50.5) Rule 71. Carbon Monoxide - South Coast Air Basin.

A person shall not discharge into the atmosphere carbon monoxide (CO) in concentrations exceeding 2000 ppm by volume measured on a dry basis.

The provisions of this Rule shall not apply to emissions from internal combustion engines.

This rule shall become effective in the South Coast Air Basin on January 1, 1975, for all sources which are either in operation, or under construction under a valid authority to construct on June 1, 1972. This Rule shall be effective for all other sources in the South Coast Air Basin on June 1, 1972.

V. PROCEDURE BEFORE THE HEARING BOARD

(2.0) Rule 75. General.

This regulation shall apply to all hearings before the Hearing Board of the Air Pollution Control District.

(2.0) Rule 76. Filing Petitions.

Requests for hearing shall be initiated by the filing of a petition in triplicate withe the clerk of the Hearing Board, 175 West Fifth Street, San Bernadino, California and the payment of the fee of $25.00 provided for in Rule 42 of these Rules and Regulations, after service of a copy of the petition has been made on the Air Pollution Control Officer at 6th Floor, 172 West Third Street, San Bernadino, California 92401, and one copy on the holder of the permit or variance, if any, involved. Service may be made in person or by mail, and service may be provided by written acknowledgement of the person served or by the affidavit of the person making the service.

(2.0) Rule 77. Contents of Petitions.

Every petition shall state:

(a) The name, address and telephone number of the petitioner, or other person authorized to receive service of notices.

(b) Whether the petitioner is an individual, co-partnership, corporation or other entity, and names and address of the partners if a co-partnership, names and addresses of the officers, if a corporation, and the names and address of the person in control, if other entity.

(c) The type of business or activity involved in the application and the street address at which it is conducted.

(d) A brief description of the article, machine, equipment, or other contrivance, if any, involved in the application.

(e) The section or Rule under which the petition is filed; that is, whether the petitioner desires a hearing:

(1) To determine whether a permit shall be revoked or suspended permit reinstated under Section 24274, Health and Safety Code of the State of California;

(2) For a variance under Section 24292, Health and Safety Code;

(3) To revoke or modify a variance under Section 24298, Health and Safety Code;

(4) To review the denial or conditional granting of an authority to construct, permit to operate or permit to sell or rent under Rule 22 of these Rules and Regulations.

(f) Each petition shall be signed by the petitioner, or by some person on his behalf, and where the person signing is not the petitioner it shall be set forth his authority to sign.

(g) Petitions for revocation of permits shall allege in addition the Rule under which permit was granted, the Rule or section which is alleged to have been violated, together with a brief statement of the facts constituting such alleged violation.

(h) Petitions for reinstatement of suspended permits shall allege in addition the Rule under which the permit was granted, the request and alleged refusal which formed the basis for such suspension, together with a brief statement as to why information is believed by petitioner to be pertinent, and if so, when it will be furnished.

(i) All petitions shall be typewritten, double spaced, on legal or letter size paper, on one side of the paper only, leaving a margin of at least one inch at the top and left of each sheet.

(5.0) Rule 78. Petitions for Variances.

In addition to the matters required by Rule 77, petitions for variances shall state briefly:

(a) The section, rule or order complained of.

(b) The facts showing why compliance with the section, rule, or order is unreasonable.

(c) For what period of time the variance is sought and why.

(d) The damage or harm resulting or which would result to petitioner from compliance with such section, rule or order.

(e) The requirements which petitioner can meet and the date when petitioner can comply with such requirements.

(f) The advantages and disadvantages to the residents of the district resulting from requiring compliance or resulting from granting a variance.

(g) Whether or not operations under such variance, if granted, would constitute a nuisance.

(h) Whether or not any case involving the same identical equipment or process is pending in any court, civil or criminal.

(i) Whether or not the subject equipment or process is covered by a permit to operate issued by the Air Pollution Control Officer.

(2.0) Rule 79. Appeal From Denial.

A petition to review a denial or conditional approval of an authority to construct, permit to operate or permit to sell or rent shall, in addition to the matter required by Rule 77, set forth a summary of the application or a copy thereof and the alleged reasons for the denial or conditional approval and the reasons for appeal.

(2.0) Rule 80. Failure to Comply with Rules.

The Clerk of the Hearing Board shall not accept for filing any petition which does not comply with these Rules relating to the form, filing and service of petitions unless the chairman or any two members of the Hearing Board direct otherwise and confirm such direction in writing. Such direction need not be made at a meeting of the Hearing Board. The chairman or any two members, without a meeting, may require the petitioner to state further facts or reframe a petition so as to disclose the issues involved.

(2.0) Rule 82. Answers.

Any person may file an answer within 10 days after service. All answers shall be served the same as petitions under Rule 76.

(2.0) Rule 83. Dismissal of Petition.

The petitioner may dismiss his petition at any time before submission of the case of the Hearing Board, without a hearing or meeting of the Hearing Board. The Clerk of the Hearing Board shall notify all interested persons of such dismissal.

(16.0) Rule 84. Place of Hearing.

All hearings shall be held at a place designated by the Hearing Board.

(16.0) Rule 85. Notice of Hearing.

The Clerk of the Hearing Board shall mail or deliver a notice of hearing to the petitioner, the Air Pollution Control Officer, the holder of the permit or variance involved, if any, and to any person entitle to notice under Sections 24275, 24295, or 24299, Health and Safety Code.

(2.0) Rule 86. Evidence.

(a) Oral evidence shall be taken only on oath or affirmation.

(b) Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify in his own behalf he may be called and examined as if under cross-examination.

(c) The hearing need not be conducted according to technical rules relating evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.

(2.0) Rule 87. Preliminary Matters.

Preliminary matters such as setting a date for hearing, granting continuances, approving petitions for filing, allowing amendments and other preliminary ruling not determinative of the merits of the case may be made by the chairman or any two member of the Hearing Board without a hearing or meeting of the Hearing Board and without notice.

(2.0) Rule 88. Official Notice.

The Hearing Board may take official notice of any matter which may be judicially noticed by the courts of this State.

(2.0) Rule 89. Continuances.

The chairman or any two members of the Hearing Board shall grant any continuance of 15 days or less, concurred in by petitioner, the Air Pollution Control Officer and by every person who has filed an answer in the action and may grant any reasonable continuance; in either case such action may be ex parte, without a meeting of the Hearing Board and without prior notice.

(2.0) Rule 90. Decision.

The decision shall be in writing, served and filed within 15 days after submission of the cause by the parties thereto and shall contain a brief statement of the facts found to be true, the determination of the issues presented and the order of the Hearing Board. A copy shall be mailed or delivered to the Air Pollution Control Officer, the petitioner and to every person who has filed an anwer or who has appeared as a party in person or by counsel at the hearing.

(2.0) Rule 91. Effective Date of Decision.

The decision shall become effective 15 days after delivering of mailing a copy of the decision, as provided in Rule 90, or the Hearing Board may order that the decision shall become effective sooner.

(3.0) Rule 92. Lack of Permit.

The Hearing Board shall not receive or accept a petition for a variance for the operation or use of any article, machine, equipment or other contrivance until a permit to operate has been granted or denied by the Air Pollution Control Officer; except that an appeal

from a denial of a permit to operate and a petition for a variance may be filed with the Hearing Board in a single petition. A variance granted by the Hearing Board after a denial of a permit to operate by the Air Pollution Control Officer may include a permit to operate for the duration of the variance.

VI

Orchard or Citrus Grove Heaters

(1.0) Rule 100. Definition. - See Rule 2.

(2.0) Rule 101. Exceptions.

Rules 10, 14, 20, 21, 24, and 40 do not apply to orchard or citrus grove heaters.

(3.0) Rule 102. Permits Required.

After the effective date of these Rules and Regulations, no person shall construct, place, maintain, keep, store, or alter any orchard heater under, among or between the trees in any grove or orchard or in any place where it may be used or operated for frost protection of use or operate any orchard heater without first obtaining a permit to do so from the Air Pollution Control Officer of the County of San Bernardino. Application for such permits shall be made to the said Air Pollution Control Officer on forms obtained from him and shall contain all information called for by such forms. The Air Pollution Control Officer may require the applicant to furnish such additional information as he may deem necessary before passing on any application. Permits shall not be transferable.

(2.0) Rule 103. Transfer.

A permit to operate shall not be transferable, whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another.

(3.0) Rule 104. Standards for Granting Permits.

The Air Pollution Control Officer shall deny a permit if the applicant does not show that equipment described in Rules 100 and 102 is so designed or controlled that it will not produce unconsumed solid carbonaceous matter at the rate in excess of one (1) gram per minute except as prescribed.

(3.0) Rule 109. Denial of Applications.

In the event of denial of a permit, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefor. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the person served or affidavit of the person making the service. The Air Pollution Control Officer shall not accept a further application unless the applicant has complied with the objections specified by the Air Pollution Control Officer as his reasons for denial.

(2.0) Rule 110. Appeals.

Wihtin 10 days after notice of denial or conditional approval of a permit by the Air Pollution Control Officer, the applicant may petition the Hearing Board, in writing, for public hearing. The Hearing Board, after notice and a public hearing held within 30 days after filing the petition, may sustain or reverse the action of the Air Pollution Control Officer; such order may be made subject to specified conditions.

(2.0) Rule 120. Fees.

A request for a duplicate permit for orchard or citrus grove heaters shall be made in writing to the Air Pollution Control Officer within 10 days after the destruction, loss or defacement of a permit. The fee for issuing a duplicate permit shall be $2.00.

(51.1) Rule 130. Classification of Orchard Heaters.

For the purpose of these Rules and Regulations, orchard heaters are divided into the following groups:

(a) Class 1. Any type of heater which is so designed or equipped that it will not discharge unconsumed solid carbonaceous matter at a rate in excess of one-half (1/2) gram per minute. Heaters of this type are mentioned in Rule 131.

(b) Class 11. Any type of orchard heater other than a Class 1 heater which can be operated or regulated so that it will not discharge unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute. Heaters included in this class are mentioned in Rule 132.

(51.1) Rule 131. Class 1 Heaters Designated.

The Air Pollution Control Board finds and determines that those types of heaters commonly known or designated as:

(a) Pipe Line Systems,

(b) Return Stack Heaters,

(c) Coke Heaters,

fall within Class 1 as defined in Rule 130(a). Permits will be issued for Class 1 heaters upon application therefor and payment of the required fees. This class also includes any heater which is shown by competent test to come within the definition of a Class 1 heater.

(51.1) Rule 132. Class 11 Heaters Designated.

The Air Pollution Control Board finds and determines that all orchard heaters commonly known by any of the following names or designations:

Name	Maximum Burning Rate of Fuel in Pounds per Hour
Hy-Lo 148 Original	8 lbs.
Hy-Lo 148 Special	8 lbs.
Hy-Lo Drum	8 lbs.
Lemora	8 lbs.
Jumbo Cone	7 lbs.
Kittle	7 lbs.
Exchange Model 7-inch diameter stack	7 lbs.
Lazy Flame 24-inch stack	6 lbs.
Hy-Lo 230-A	6 lbs.
Lazy Flame 18-inch stack	6 lbs.
National Junior Louver with 18-inch stack	6 lbs.

fall within Class 11 as defined in Rule 130(b). This class also includes any type of heater (other than Class 1 heaters) not herein specifically named which is shown to meet the requirements of Rule 130(b).

The operation of any Class 11 heater at a burning rate in excess of the maximum specified in the foregoing schedule for such heater is prohibited except for the first five (5) minutes after the heater is lighted. Said maximum burning rates are predicated upon the heaters being reasonably clean. Permits for Class 11 heaters shall be issued upon proper application and payment of the required fees and shall set forth the maximum burning rate permitted for each type of heater covered by such permit.

(51.1) Rule 133. Identification of Heaters.

When in these Rules and Regulations a distilling type heater is designated by name such name refers to the stack or stack assembly with which the heater is equipped it being understood that many heaters are equipped with a stack of one make and with a cover or bowl of another make.

(51.1) Rule 134. Use of Incomplete Heaters Prohibited.

All permits are for complete orchard heaters. The use or operation of any incomplete or partial assembly of any type of orchard heater for frost protection is hereby prohibited.

(51.1) Rule 135. Cleaning, Repairs.

All heaters for which a permit is issued shall be maintained in reasonably clean condition and in good repair and working order.

(51.1) Rule 136. Authority to Classify Orchard Heaters.

The Air Pollution Control Officer shall have authority to determine the proper classification of any orchard heater not specifically named herein.

(15.0) Rule 137. Enforcement.

It shall be the duty of the Air Pollution Control Officer and of the law enforcement officers of the County otherwise charged with the enforcement of the law to enforce these Rules and Regulations.

This emergency regulation is designed to prevent the excessive buildup of air contaminants and to avoid any possibility of a catastrophy caused by toxic concentrations of air contaminants.

The Air Pollution Control Board deems it desirable to have ready an adequate plant to prevent such an occurrence, and to provide for adequate actions to protect the health of the citizens of the Air Pollution Control District.

VII. EMERGENCIES

(2.0) Rule 150. General.

Notwithstanding any other provisions of these Rules and Regulations, the provisions of this Regulation shall apply within the San Bernadino Basin to the control of emission of air contaminants during any "alert" stage as provided herein.

(9.0) Rule 151. Sampling Stations.

The Air Pollution Control Officer shall maintain permenently located atmospheric sampling stations adequately equipped. These sampling stations shall be continuously maintained at locations designated by the Air Pollution Control Officer after consultation with the Scientific Committee. The Air Pollution Control Officer may maintain such additional sampling stations as may be necessary. These additional stations may be permanent, temporary, fixed, or mobile, and may be activated upon orders of the Air Pollution Control Officer.

(9.0) Rule 152. Air Sampling.

The Air Pollution Control Officer shall establish procedures whereby adequate continuous automated samplings and analyses of air contaminants will be taken at each of the stations established under Rule 151.

Rule 152.1

A telemetered system shall be installed permitting continuous sampling and analysis at the central Air Pollution Control headquarters, to provide for immediate determination of air pollution conditions on a total basis. Additionally, telementry shall include stations in adjoining counties to the west and southwest which will provide information on possible intrusions.

(8.0) Rule 153. Declaration of Alerts.

The Air Pollution Control Officer shall declare the appropriate "alert" whenever the concentration of any air pollution contaminant has been verified to have reached the standards set forth in the following table.

TOXIC AIR POLLUTANT LEVELS
IN PARTS PER MILLION (PPM)

	Community Alert	1st Alert	2nd Alert	3rd Alert
Carbon Monoxide	-	100	200	300
Nitrogen Oxides	-	3	5	10
Sulphur Oxides	-	3	5	10
Ozone	.35	0.5	1.0	1.5

ALERT TO THE COMMUNITY - Pollutants potentially hazardous for children, elderly and chronically ill persons.

FIRST ALERT - Close approach to maximum allowable concentration for the population at large. Still safe, but approaching a point where preventive action is required.

SECOND ALERT - Air contamination level at which a health menance exists in a preliminary state.

THIRD ALERT - Air contamination level at which a dangerous health menace exists.

(8.0) Rule 154. Notification of Alerts.

(a) ALERT TO THE COMMUNITY: Following the issuance of an Alert to the Community, the Air Pollution Control district (APCD) shall communicate notification of the condition to:

(1) San Bernardino County Schools office, who shall notify school district offices.

(2) The San Bernardino County Public Health Department, who shall notify County General Hospital and nursing homes.

(3) The General public through the local news media.

(b) ALERTS: Upon the declaration of the 1st, 2nd or 3rd Alert, the Air Pollution Control District (APCD) shall communicate notification of the condition to all above and shall include the following additional industries and agencies:

(1) Air Polluting industrial plants and processes which require "alert" data in order to effect prearranged plants designed to reduce the output of air contaminants.

(2) The California Highway Patrol, Zone 5Hq., Supervising Inspector.

(3) The San Bernardino County Sheriff's Department, who will notify in the most expeditious manner available:

a. All Sheriff sub-stations.

b. All City Police Departments.

(4) The State Division of Forestry, who will notify in the most expeditious manner available:

a. All City Fire Departments.

b. All Fire Protection Districts and Special Districts with fire suppression capability.

(5) City Fire and Police Departments shall notify their respective City Officials.

(c) CESSATION OF ALERTS: Recall or cessation of "SMOG ALERTS" are to be disseminated in the same manner as they are initiated.

(8.0) RULE 155 Radio Communication System.

The Air Pollution Control Officer shall install and maintain in continuous operation, a radio transmitter with selective calling facilities for the purpose of broadcasting the declaration of alerts and information and instruction which may be appropriate to carry out the provisions of these Regulations.

Radio receiving equipment with decoding device capable of receiving broadcasts from the Air Pollution Control Officer of the declaration of alerts and information and instructions thereto shall be procured, installed and properly maintained and operated during all hours of plant operation by any person who operates or uses any:

(a) Petroleum refinery.

(b) Bulk gasoline loading facility for tank vehicles, tank cars, or marine vessels, from which facility 20,000 gallons or more of gasoline are loaded per day. For purposes of this paragrapn, "gasoline" means any petroleum distillate having a Reid vapor pressure of four pounds or greater, and "facility" means all gasoline loading equipment which is both (1) possessed by one person, and (2) located so that all the gasoline loading outlets for such aggregation or combination of loading equipment can be encompassed within any circle of 300 feet in diameter.

(c) Asphalt saturator.

(d) Asphalt paving manufacturing plant.

(e) Asphalt manufacturing plant.

(f) Chemical plant which:

(1) Reacts or produces any organic liquids or gases.

(2) Produces sulfuric acid, nitric acid, phosphoric acid or sulfur.

(g) Paint, enamel, lacquer, or varnish manufacturing plant in which 10,000 gallons or more per month of organic solvents, diluents or thinners or any combination thereof are combined or manufactured into paint, enamel, lacquer or varnish.

(h) Rubber tire manufacturing or rubber reclaiming plant.

(i) Automobile assembly or automobile body plant.

(j) Metal melting, refining or smelting plants.

(k) Rock wool manufacturing plant.

(l) Glass or frit manufacturing plant.

(8.0) Rule 156. First Alert Action.

The following action shall be taken upon the calling of the First Alert:

(a) A person shall not burn any combustible refuse at any location within the basin in an open fire.

(b) Any person operating or maintaining any industrial commercial or business establishment other than power plants or heating plants essential to health or safety which establishments emit hydrocarbons or any of the contaminants named in Rule 155

and any person operating any private noncommercial vehicle shall during the First Alert period take the necessary steps to the action required should a Second Alert be declared.

(c) The Air Pollution Control Officer shall, by the use of all appropriate mass media of communication, request the public to stop all unessential use of vehicles in the basin and to operate all privately owned vehicles on a pool basis, and shall request all employers to activate employee car pools.

(d) When, after the declaration of the First Alert it appears the Air Pollution Control Officer that the concentration of any contaminants in all or any portion of the basin is increasing in such a manner that a Second Alert is likely to be called, he shall take the following actions:

(1) Notify the Emergency Action Committee and request advice on actions to be taken.

(2) Give all possible notice to the public by all mass media of communication that a Second Alert may be called.

(8.0) Rule 157. Second Alert Action.

The following action shall be taken upon the calling of the Second Alert.

(a) The action set forth in Rule 156, and

(b) The Emergency Action Committee and the Air Pollution Control Board, if not already activated, shall be called into session and shall remain in session or reconvene from time to time as directed by the Air Pollution Control Officer to study all pertinent information relating to the emergency and to recommend to the Air Pollution Control Officer actions to be taken from time to time as conditions change.

(c) Pursuant to this alert, the Air Pollution Control Officer may impose limitations as to the general operation of vehicles as provided in Rule 154(b) permitting limited operation essential to accommodate industry, business, public utility and other services as may be necessary in the public welfare.

(d) The Air Pollution Control Officer may, with the concurrence of the Air Pollution Control Board, order the closing of any industrial, commercial or business establishment and stop all vehicular traffic, except authorized emergency vehciles as defined in the California Vehicle code, vehicles used in public transportation and vehicles the operation of which is necessary for the protection of

the health and welfare of the public, if, in the opinion of the Air Pollution Control Officer, the continued operation of such establishment or vehicle contributes to the further concentration of any air contaminant, the concentration of which cause the declaration of the alert, but if possible, without employing such drastic remedial measures as to completely disrupt the economic life of the community or to result in irreparable injury to any form of production, manufacture or business.

The Air Pollution Control Officer, during a Second Alert, shall keep the public suitably informed of all significant changes in the concentration of toxic air contaminants.

(e) In the event that the Air Pollution Control Officer determines that the public health and safety are in danger, the Emergency Action Committee and the Air Pollution Control Board may take any action authorized by this rule with less than a quorum present. A majority vote of the members present is required for any such action.

(8.0) Rule 158. Third Alert.

The following action shall be taken upon the calling of the Third Alert:

(a) The actions set forth in Rules 156 and 157, and

(b) If it appears that the steps taken by the Air Pollution Control Officer will be inadequate to cope with the emergency the Air Pollution control Board shall request the Governor to declare that a state of emergency exists and to and to take appropriate actions as set forth in the California Diaster Act.

(8.0) Rule 159. End of Alert.

The Air Pollution Control Officer shall declare the termination of the appropriate alert whenever the concentration of an air contaminant which cause the declaration of such alert has been verified to have fallen below the standards set forth in Rule 153 for the calling of such alert and the available scientific and meteorological data indicates that the concentration of such air contaminant will not immediately increase again so as to reach the standards set forth for such alert in Rule 153. The Air Pollution Control Officer shall immediately communicate the declaration of the termination of the alter in the manner provided in Rule 154, paragraph (c), for the cessation of alerts.

(15.0) Rule 160. Enforcement.

When an "alert" has been called, the Air Pollution Control Officer, the Sheriff, Fire Chiefs, their deputies, and all other peace officers within the Basin shall enforce the appropriate provisions of this Regulation and all orders of the Air Pollution Control Board or the Air Pollution Control Officer made pursuant to this Regulation against any person who having knowledge of the declaration of an alert, refuses to comply with the rules set forth in this Regulation or any order of the Air Pollution Control Board or the Air Pollution Control Officer made pursuant to this Regulation.

(2.0) Rule 161. Scientific Committee.

A Scientific Committee shall be appointed by the Air Pollution Control Board. Members shall be licensed physicians, medical scientists, biologists, chemists, engineers, or meteorologists, each of whom has had experience in air pollution control work, or other experts with scientific training.

The Air Pollution Control Officer and the county Counsel shall be ex-officio members of the Scientific Committee.

The term of appointment of all members except the ex-officio members shall be two (2) years. The Scientific Committee shall act through a majority. There shall be at least fifteen (15) members on the committee.

The Scientific Committee shall have the following duties:

(a) Study and Recommend. The Scientific Committee shall study and make recommendations to the Air Pollution Control Board of the most suitable methods for measurement of air contaminants and on any changes recommended for the concentrations set forth in Rule 153. The Air Pollution Control Board may adopt such recommended changes for the concentrations of toxic air contaminants for each alert stage by amendment to Rule 153.

(b) Consult. The Scientific Committee shall serve in a consultant advisory capacity to the Air Pollution Control Officer concerning any air pollution health problem which may arise. The Scientific Committee shall also advise the Air Pollution Control Board on any recommended changes in this emergency regulation which will provide greater protection of the health and welfare of all persons within the Air Pollution Control District.

(8.0) Rule 162. Emergency Action Committee.

An Emergency Action Committee shall be appointed by the Air Pollution Control Board. The Committee shall be composed of ten (10) appointed members and of these members two shall be expert with scientific training or knowledge in air pollution matters, two shall be licensed physicians, two shall be representatives of industry, two shall be representatives of law enforcement and two shall be members of the public at large.

The County Health Officer, the Sheriff, and the County Counsel shall be ex-officio members of the Committee. In the absence of an ex-officio member, his deputy may act for him.

The term of appointment of appointed members shall be two years.

The duties of the Emergency Action Committee shall be to meet with the Air Pollution Control Officer when called into session, to evaluate data, and to advise the Air Pollution Control Officer as to the appropriate action to be taken when the concentration of any of the contaminants set forth in Rule 153 has been verified to be approaching the standards set forth in Rule 153 for a Second Alert.

The Committee shall meet when called into session and not less than every three months.

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